



City of Annapolis
Office of the City Clerk
93 Main Street, Suite 300
Annapolis, MD 21401-2535

RCEldridge@annapolis.gov · 410-263-7942 · Fax 410-280-1853 · TDD 410-263-7943 · www.annapolis.gov

MEMORANDUM

TO: Annapolis City Council

FROM: Regina C. Watkins-Eldridge, MMC
City Clerk

RE: Closed Meeting

A closed session of the City Council has been proposed for **Monday, May 20, 2013 at 5:30 p.m.** in the City Council Chamber, 160 Duke of Gloucester Street, 2nd Floor, Annapolis, Maryland 21401 in accordance with Maryland State Government Article Sections § 10-508 (a)(7):

To consult with counsel to obtain legal advice on legal matters.

Topic of Discussion:

Quarterly Update on Litigation

The Council will convene in open session and move pursuant to Maryland State Government Article, Sections: 10-508 (a) (7) to go into closed session as indicated above.

cc: City Manager
Communications Officer
Press

CITY OF ANNAPOLIS
A SPECIAL MEETING OF THE CITY COUNCIL
Monday, May 20, 2013 5:30 p.m.

Call to Order

Mayor Cohen

Pledge of Allegiance

Mayor Cohen

Roll Call

City Clerk Watkins-Eldridge

BUSINESS AND MISCELLANEOUS

1. ***Proposed Closed Session - Pursuant to State Government Article § 10-508 (a) (7); to consult with counsel to obtain legal advice on legal matters.***

CITY OF ANNAPOLIS
SPECIAL MEETING OF THE CITY COUNCIL
 May 20, 2013 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

Reports by Committees

Comments by the General Public

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

PUBLIC HEARING

O-36-12 Permitted Hours of Sidewalk Cafes – For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

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
9/24/12	10/22/12 5/20/13	10/13/12	12/21/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/24/12	5/14/13	
Planning Commission	11/26/12	5/2/13	Forthcoming
Alcoholic Beverage Control Board	11/26/12	12/5/12	Favorable w/amd.

O-18-13 The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue – For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.

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
4/22/13	5/20/13	4/24/13	7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/22/13		

- O-20-13 Highly Compensated Employees in the Police and Fire Retirement Plan -**
 For the purpose of establishing the definition of “highly compensated employee” within the Police and Fire Retirement Plan and authorizing such highly compensated employee participation in the Police and Fire Retirement 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
4/22/13	5/20/13	4/24/13	7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/22/13		

LEGISLATIVE ACTIONS

ORDINANCES and RESOLUTIONS – 2ND READER

- O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units –** For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units. *Alderswoman Hoyle requested to be added as a sponsor on 2nd Reader.*

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	180 Day Rule
7/23/12	9/24/12	9/14/12	1/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/23/12	11/13/12	Favorable
Housing and Human Welfare	7/23/12	11/13/12	Favorable
Planning Commission	7/23/12	9/13/12	Favorable w/amd.

- O-36-12 Permitted Hours of Sidewalk Cafes –** For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

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
9/24/12	10/22/12 5/20/13	10/13/12	12/21/12
Referred to	Referral Date	Meeting Date	Action Taken

Economic Matters	9/24/12	5/14/13	
Planning Commission	11/26/12	5/2/13	Forthcoming
Alcoholic Beverage Control Board	11/26/12	12/5/12	Favorable w/amd.

R-10-13 A Protocol for Ensuring the Implementation of the Forest Conservation Act – For the purpose of enacting a protocol to ensure the implementation of the Forest Conservation Act.

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
4/8/13	N/A	4/10/13	6/7/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/8/13	4/15/13	Unfavorable
Environmental Matters	4/8/13	5/14/13	

R-23-13 Special Event Applications – II – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving docking fees for the Eastport Yacht Club Lights Parade; and the reimbursement of full fees to the City for the cost associated with the other approved 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
4/22/13	N/A	5/1/13	7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/22/13	5/14/13	
Finance	4/22/13	5/9/13	Favorable w/ amd.

R-24-13 City of Annapolis Natural Hazard Mitigation Plan – For the purpose of adopting the City of Annapolis Natural Hazard Mitigation Plan, as required by the Federal Emergency Management Agency, to maintain eligibility for disaster funding for large scale emergencies and disasters.

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
5/13/13	N/A		8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	5/13/13	5/15/13	

R-25-13 National Preservation Month 2013 – For the purpose of proclaiming May 2013 as National Preservation Month in the City of Annapolis.

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
5/13/13	N/A		8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/13/13	5/14/13	

ORDINANCES and RESOLUTION – 1st READER

O-21-13 Implementing the State of Maryland’s Forest Conservation Act – For the purpose of implementing the State of Maryland’s Forest Conservation Act; prohibiting certain development projects from cutting or clearing certain forests within the City of Annapolis unless a forest stand delineation and a forest conservation plan are in effect; and all other matters generally relating to the Forest Conservation Act. *Available Monday, May 20.*

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	180 Day Rule
5/20/13			11/15/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/20/13		
Environmental Matters	5/20/13		
Planning Commission	5/20/13		

R-26-13 Special Event Applications – III – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved 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
5/20/13			8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/20/13		
Finance	5/20/13		

R-27-13 Timothy House Rehabilitation of Timothy House and Redevelopment of Timothy Gardens – For the purpose of approving the rehabilitation of Timothy House and redevelopment of Timothy Gardens Project-based Section 8 properties in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").

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
5/20/13			8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	5/20/13		

UPCOMING CITY COUNCIL EVENTS

Regular Meeting: Monday, June 10, 2013, 7:00 p.m. City Council Chambers
 Special Meeting: Monday, June 17, 2013, 7:00 p.m. City Council Chambers
 Work Session: Thursday, June 20, 2013, 1:30 – 4:30 p.m. City Council Chambers

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

May 15, 2013

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, May 19, 2013 and Monday, May 20, 2013**

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

NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, May 20, 2013 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

- O-36-12 Permitted Hours of Sidewalk Cafes** – For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.
- O-18-13 The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue** – For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes’ right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.
- O-20-13 Highly Compensated Employees in the Police and Fire Retirement Plan** -For the purpose of establishing the definition of “highly compensated employee” within the Police and Fire Retirement Plan and authorizing such highly compensated employee participation in the Police and Fire Retirement Plan.

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>

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-36-12

Introduced by: Mayor Cohen 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
9/24/12	10/22/12	10/13/12	12/21/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/24/12		
Planning Commission	11/26/12	12/6/12	
Alcoholic Beverage Control Board	11/26/12	12/5/12	

8
9 **AN ORDINANCE** concerning

10 **Permitted Hours of Sidewalk Cafes**

11 **FOR** the purpose of authorizing permitted sidewalk cafes to remain open during the normal
12 business hours governing such establishments.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the
14 City of Annapolis, 2011 Edition
15 Chapter 7.42
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 7.42 – Sidewalk Cafes**

20 **7.42.010 - Sidewalk café—Defined—Permit required.**

21 A. A person shall not construct, maintain, use or operate a sidewalk café without first
22 obtaining a permit as provided in this chapter.

23 B. An application for a sidewalk café permit shall be made to the City Clerk on forms provided
24 by the City Clerk. The application shall be made by the operating establishment.

25 C. A sidewalk café permit shall be for one year from May 1st in each year until the following
26 April 30th, except that, for the 1996-1997 term, the permit shall be valid from the date on which
27 the permit is issued, even if prior to May 1, 1996. The holder of a permit shall pay an annual fee
28 as established by resolution of the City Council. The annual fee shall be paid with the original
29 permit application and with the request for renewal of the permit.

30 D. For purposes of this chapter, "sidewalk café" means any area situated on a public sidewalk

1 where food, refreshments, and/or beverages are sold by a restaurant, delicatessen, ice cream
2 shop or coffee shop (hereinafter "operating establishment") for public consumption at tables or
3 counters located on the sidewalk fronting the operating establishment. Sidewalk cafés shall
4 operate only as authorized pursuant to this chapter.

5

6 **7.42.020 - Standards.**

7 A. No part of a sidewalk café area shall encroach upon any part of the sidewalk frontage of
8 any adjacent premises, right-of-way or alley.

9 B. A sidewalk café must leave a minimum six-foot unobstructed passageway for pedestrians
10 along the length of the café. For operating establishments adjacent to sidewalks less than ten
11 feet wide at the location of the proposed sidewalk café, the City Clerk, with the consent of the
12 Department of Public Works, may reduce the unobstructed passageway to not less than that
13 required by the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) or its successors.

14 C. The holder of a sidewalk café permit shall fully insure, indemnify, defend and hold
15 harmless the City and in their capacity as such, the officers, agents and employees thereof from
16 and against any and all claims and damages in any way arising out of or through the acts or
17 omissions of the permit holder or its employees in the construction, operation, maintenance,
18 use, placement or condition of the sidewalk café. An applicant for sidewalk café shall provide
19 proof of such insurance before a permit may be issued or renewed under this chapter.

20 D. A sidewalk café shall close and all café seating shall be removed from the café area no
21 later than [eleven p.m.] THE PERMITTED CLOSING TIME OF THE OPERATING
22 ESTABLISHMENT. The café area shall be cleared of all other furniture (excepting any furniture
23 approved pursuant to Section 21.08.060(C) to remain in the café area overnight), debris and
24 obstructions to the sidewalk no later than [midnight] THE PERMITTED CLOSING TIME OF
25 THE OPERATING ESTABLISHMENT.

26 E. An operating establishment shall not sell, serve or allow consumption of alcoholic
27 beverages on its sidewalk café without obtaining the required license from the Alcoholic
28 Beverage Control Board. Alcoholic beverages shall be served on the sidewalk café only in
29 conjunction with the service of food. Notwithstanding any contrary or different hours of operation
30 in its alcoholic beverages license, an operating establishment shall not sell, serve or allow
31 consumption of alcoholic beverages on its sidewalk café after the [sidewalk café's]
32 OPERATING ESTABLISHMENT'S PERMITTED closing time.

33 F. Sidewalk café furniture shall comply with any and all guidelines adopted pursuant to
34 Section 21.08.060(C) of this code. Except as otherwise provided pursuant to Section
35 21.08.060(C), all sidewalk café furniture shall be readily moveable and shall be stored indoors
36 when not in use. No permanent structures or improvements shall be installed in or near the café
37 area.

38 G. The following are prohibited in the café area: cooking of food; unshielded trash or refuse
39 storage; advertisements (exclusive of menus intended to be read from café); outdoor
40 entertainment, music, speakers, or public address system; exclusively carry-out transactions.

41 H. A sidewalk café shall comply with all applicable building, health, safety, fire, zoning and
42 environmental standards.

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7.42.030 - Existing sidewalk cafés.

Sidewalk cafés in existence in the C2 district as of November 13, 1995 under authority of a lease agreement with the City, may, at the option of the lessee, continue to operate pursuant to either the existing terms of such lease agreement or the terms of this chapter.

7.42.040 - Sidewalk café violation.

The provisions of this chapter shall be enforced by the Department of Public Works. A person who continues to violate this chapter after a written request to take corrective action is guilty of a municipal infraction and shall be fined for each violation as established by resolution of the City Council plus costs. In addition, the City Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent conviction under this section in any twelve month period.

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.

O-36-12

Permitted Hours of Sidewalk Cafes

Policy Report

The proposed ordinance would authorize permitted sidewalk cafes to remain open during the operating hours of such establishments. For permitted sidewalk cafes, the operating hours for such establishments are authorized generally in the zoning code or may be subject to a special exception or restrictions from the Alcoholic Beverage Control Board (ABCB). If there is a discrepancy in operating hours between a special exception or ABCB restrictions, the special exception operating hours prevail.

Prepared by: Jessica Cowles, City of Annapolis Office of Law, JCCowles@annapolis.gov or (410) 263-1184.

**Technical Amendment to O-36-12
Permitted Hours of Sidewalk Cafes**

Page 1, Line 14: strike “2011” and insert “2012”

Page 2, Lines 23, Line 34, Line 35: strike “21.08.060 (C)” and insert “21.08.060 (E)”



Chartered 1708

City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

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

JON ARASON, AICP
DIRECTOR

May 2, 2013

MEMORANDUM

To: City Council

From: Jon Arason
Planning Director

Re: Ordinance O-36-12 for the purpose of authorizing sidewalk cafes to remain open during the approved hours of operation of the adjacent restaurant

This ordinance amends Chapter 7.42 of the code pertaining to the licensing, standards and operations of sidewalk cafes by allowing hours of operation consistent with the hours of the establishment having the sidewalk cafe. Sidewalk cafes are permitted through the city clerks office though café furniture has to meet HPC standards. Currently sidewalk cafes are required to close at 11:00 pm.

Section 21.08.030 of the Code establishes the duties of the Planning Commission:

Duties. The Planning Commission shall have the following powers and duties:

1. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, [Chapter 21.32](#) and [Chapter 21.34](#)
2. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.
3. Hear and decide applications on planned developments pursuant to the provisions of Zoning Code [Chapter 21.24](#)
4. Execute all powers conferred to Planning Commissions under Article 66B of the Annotated Code of Maryland.
5. On referral by the Director of Planning and Zoning of a major site design the Planning Commission shall hold a public hearing and make recommendations.
6. On referral by the Director of Planning and Zoning on structures greater than 3250 square feet in R2-NC zoning districts the Planning Commission shall hold a public hearing and make recommendations.

Though amendments to Title 7 are not among the Planning Commission duties, the ordinance was referred to the commission.

This ordinance would allow sidewalk cafes to maintain the same hours of operation as the adjoining restaurant. No other provisions for the operation of such cafes would be altered.

There are no review criteria for the Planning Commission relative to amendments to code provisions other than Titles 20 and 21. Planning staff is of the opinion that with the other sidewalk café standards maintained, hours of operation consistent with the restaurant can will have no adverse impacts, and would maintain an active street presence that would be beneficial to the public,c and recommends approval.

Alcoholic Beverage Control Board Amendment to Ordinance O-36-12

Permitted Hours of Sidewalk Cafes.

Member Miron moved a favorable recommendation of Ordinance O-36-12, Permitting Sidewalk Cafés to remain open during normal business hours governing such establishments; *however, the Board expresses concern about the strict enforcement of Alcoholic Beverage Control Board laws regarding the service of food with alcohol for Sidewalk Cafes during extended hours.* Seconded. CARRIED on voice vote.

FISCAL IMPACT NOTE

Legislation No: O-36-12

First Reader Date: 9/24/12

Note Date: 10/13/12

Legislation Title: **Permitted Hours of Sidewalk Cafes**

Description: For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

Analysis of Fiscal Impact: This legislation should produce no significant fiscal impact.

1 CITY COUNCIL OF THE
2 City of Annapolis

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4 Ordinance No. O-18-13

5 Sponsors: Alderman Arnett and 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
Referred to	Referral Date	Meeting Date	Action Taken
4/22/13			7/19/13
Economic Matters	4/22/13		

8
9 **A ORDINANCE** concerning

10 **The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

11 **FOR** the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a
12 certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the
13 conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at
14 908 Bay Ridge Avenue; and all matters relating to these conveyances.

15
16 **WHEREAS,** Ana Cortes is the owner of record of the land at 908 Bay Ridge Avenue,
17 Annapolis, Maryland 21401, shown as Parcel 1462 on Tax Map 52D, Grid 14,
18 described in a deed recorded among the Land Records of Anne Arundel County,
19 Maryland in Liber 9749 at folio 612; and
20

21 **WHEREAS,** the Mayor and the Alderpersons of the City of Annapolis are the owners of record
22 of the land at 914 Bay Ridge Avenue, Annapolis, Maryland 21401, shown as
23 Parcel 1463 on Tax Map 52D, Grid 14, described in a deed recorded among the
24 Land Records of Anne Arundel County, Maryland in Liber 1121 at folio 68; and
25

26 **WHEREAS,** Ana Cortes desires to convey to the City of Annapolis approximately 9,583
27 square feet of land from the property at 908 Bay Ridge Avenue, more particularly
28 described in Exhibit A and depicted on Exhibit C attached to this Ordinance and
29 incorporated herein; and
30

31 **WHEREAS,** in exchange for the conveyance of the aforementioned part of 908 Bay Ridge
32 Avenue, Ana Cortes proposes that the City of Annapolis convey to her
33 approximately 4,792 square feet of land from the property at 914 Bay Ridge
34 Avenue, more particularly described in Exhibit B and depicted on Exhibit C
35 attached to this Ordinance and incorporated herein; and
36

37 **WHEREAS,** by authorizing the deed attached to this Ordinance incorporated herein as Exhibit
38 D, Ana Cortes shall convey her right, title, and interest in that part of the property

1 at 908 Bay Ridge Avenue, more particularly described in the attached Exhibits A
2 and C, to the City of Annapolis; and
3

4 **WHEREAS,** by authorizing the deed attached to this Ordinance incorporated herein as Exhibit
5 E, the City of Annapolis shall convey its right, title, and interest in that part of
6 property at 914 Bay Ridge Avenue, more particularly identified in Exhibits B and
7 C, to Ana Cortes; and
8

9 **WHEREAS,** Article III, Section 7 of the Annapolis City Charter requires the passage of an
10 ordinance before the City of Annapolis may dispose of any property no longer
11 needed for public use.
12
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14 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
15 **COUNCIL** that it hereby approves and authorizes the conveyance, by deed, of the City's right,
16 title, and interest in that part of the property at 914 Bay Ridge Avenue, more particularly
17 identified in the attached Exhibits B and C, to Ana Cortes and, furthermore, that it hereby
18 accepts the conveyance, by deed, of Ana Cortes' right, title, and interest in that part of the
19 property at 908 Bay Ridge Avenue, more particularly identified in the attached Exhibits A and C,
20 subject to the following conditions:
21

- 22 1. That Ana Cortes shall bear all of the costs in connection with the conveyances
23 authorized by this Ordinance, including but not limited to attorneys' fees, document
24 preparation, survey expenses, title search, title insurance for her and for the City of
25 Annapolis, recordation and transfer fees and taxes, and all other costs and
26 expenses, if any, associated with the conveyances; and
27
- 28 2. That all property descriptions, surveys, and deeds shall be subject to the review and
29 approval of the City Attorney prior to final execution and recordation.
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- 31 3. That recordation of Deeds shall be contingent upon administrative subdivision
32 approval pursuant to Title 21 of the City Code.
33
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35 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
36 **ANNAPOLIS CITY COUNCIL** that it hereby expressly finds that the interest of the City of
37 Annapolis in the property to be conveyed from the City of Annapolis is not needed for any public
38 use.
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41 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
42 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
43

44 **ADOPTED** this _____ day of _____, _____.
45

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.

EXHIBIT "A"

DESCRIPTION OF 9,494 SQUARE FEET OR 0.2179 OF AN ACRE OF LAND
PART OF LIBER 9749 AT FOLIO 612
TAX MAP 52D GRID 14 PARCEL 1462
SIXTH (6TH) TAX DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

BEING a piece or parcel of land situated, lying, and being in the sixth (6th) tax district of Anne Arundel County, Maryland; the same being part of the conveyance from William W. Smith and Linda Marie Smith to Ana Cortes by deed dated April 25, 2000 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 9749 at Folio 612; the same being more particularly described, in City of Annapolis Datum, as follows:

BEGINNING FOR THE SAME at a point on and distant 82.06 feet from the beginning of the third or South 75° 57' 40" East 426.41 feet line of said Liber 9749 at Folio 612; thence binding on part of said line, the following course as now surveyed

1. South 75° 57' 23" East 157.35 feet to a point; thence so as to cross and divide said Liber 9749 at Folio 612, the following course

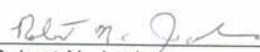
2. South 14° 02' 37" West 50.00 feet to a point on the first or North 75° 57' 40" West 490.84 feet line of said Liber 9749 at Folio 612; thence binding on part of said line and also binding reversely with part of the fourth or South 75° 57' 40" East 492.09 feet line of the conveyance from William H. Blades, widower, William Ralph Blades and Mary Belle Blades, his wife, and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by deed dated May 17, 1957 and recorded among said Land Records in Liber 1121 at Folio 68, the following course as now surveyed

3. North 75° 57' 34" West 222.41 feet to a point; thence so as to cross and divide the parcel described in said Liber 9749 at Folio 612, the following course

4. North 66° 30' 08" East 82.06 feet to the point of beginning.

CONTAINING 9,494 square feet or 0.2179 of an acre of land, more or less, as now described.

I **HEREBY CERTIFY** to the best of my professional knowledge, information and belief, this description is correct based on deed and title information that I have been provided.


Robert N. Jordan
Property Line Surveyor
Md. Reg. No. 345



10-18-2012
Date

EXHIBIT "B"

DESCRIPTION OF 5,162 SQUARE FEET OR 0.1185 OF AN ACRE OF LAND
PART OF LIBER 1121 AT FOLIO 68
TAX MAP 52D GRID 14 PARCEL 1463
SIXTH (6TH) TAX DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

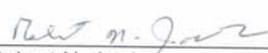
BEING a piece or parcel of land situated, lying, and being in the sixth (6th) tax district of Anne Arundel County, Maryland; the same being part of the conveyance from William H. Blades, widower, William Ralph Blades and Mary Belle Blades, his wife, and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by deed dated May 17, 1957 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 1121 at Folio 68; the same being more particularly described, in City of Annapolis Datum, as follows:

BEGINNING FOR THE SAME at a point on the east side of Jefferson Street, said point also being at the beginning of the third or North 65° 23' 30" East 71 feet line of said Liber 1121 at Folio 68; thence binding on said line, the following course as now surveyed

1. North 66° 30' 08" East 71.00 feet to a point; thence binding on part of the fourth or South 75° 57' 40" East 492.09 feet line of said Liber 1121 at Folio 68 and also binding reversely on part of the first or North 75° 57' 40" West 490.84 feet line of the conveyance to Ana Cortes by deed dated April 25, 2000 and recorded among said Land Records in Liber 9749 at Folio 612, the following course as now surveyed
2. South 75° 57' 23" East 82.06 feet to a point; thence so as to cross and divide the parcel described in said Liber 1121 at Folio 68, the following course
3. South 66° 30' 08" West 135.46 feet to intersect the second or North 24° 11' 30" West 192.50 feet line of said Liber 1121 at Folio 68; thence binding part of said line, the following course as now surveyed
4. North 24° 11' 13" West 50.00 feet to the point of beginning.

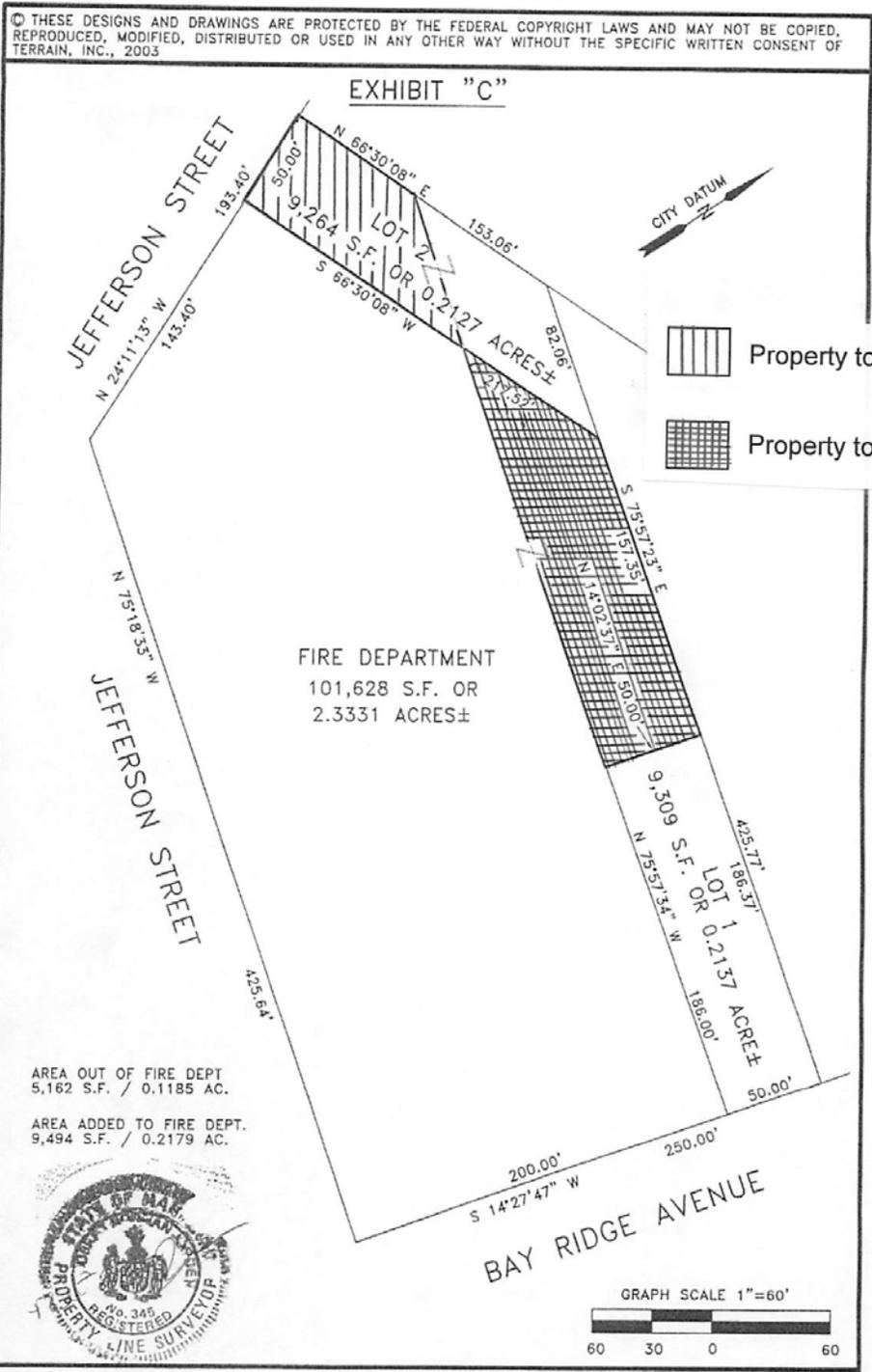
CONTAINING 5,162 square feet or 0.1185 of an acre of land, more or less, as now described.

I HEREBY CERTIFY to the best of my professional knowledge, information and belief, this description is correct based on deed and title information that I have been provided.


Robert N. Jorden
Property Line Surveyor
Md. Reg. No. 345



10-31-2012
Date



TERRAIN INC.
 ENGINEERING AND DEVELOPMENT SERVICES

PH (410)266-1160
 FAX (410)266-6129

106 OLD SOLOMONS ISLAND ROAD
 ANNAPOLIS, MD 21401

C:\SURVEY\PLATS\2303-4.DWG

EXHIBIT D
No Consideration Deed
Tax Acct. No.: 06 000 04023600

DEED

THIS DEED is made ____ day of _____, 2013, by and between ANA CORTES (“Grantor”) and THE CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-18-13 of the City Council of the City of Annapolis adopted on the ____ day of _____, 2013, by the Mayor and Aldermen.

NOW, THEREFORE, in consideration of these premises, and for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee acknowledge, the Grantor hereby grants, conveys and assigns to the Grantee, its successors and assigns, in fee simple, forever, all of those parcels of land situate, lying and being in Anne Arundel County, Maryland, more particularly described as follows:

See attached Exhibit “A” and Exhibit “B”

Description of 9,494 square feet or 0.2179 of an acre of land

BEING or intending to be a portion of that conveyance from William W. Smith and Linda Marie Smith to Ana Cortes by Deed dated April 25, 2000, and recorded among the Land Records of Anne Arundel County, Maryland, in Book 9749 Page 612. .

TOGETHER with the buildings and improvements thereon erected, made or being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above described parcels of land unto and to the proper use and benefit of the Grantee, its successors and assigns, in fee simple, forever.

THE GRANTOR covenants that she has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that she will warrant specially the title to the property hereby conveyed, and that she will execute such further assurances of the same as may be requisite.

THE GRANTOR declares and affirms under the penalty of perjury that the consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust outstanding, is zero.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first herein written.

WITNESS

(Seal)
Ana Cortes

IN WITNESS WHEREOF, the Grantee has executed this Deed on the day and year first herein written for the purpose of acknowledging its acceptance of this conveyance.

ATTESTATION, ACKNOWLEDGEMENT
AND ACCEPTANCE OF CONVEYANCE
AS TO ALL:

REGINA WATKINS-ELDRIDGE, City Clerk

CITY COUNCIL OF THE CITY OF ANNAPOLIS:

By: _____ (Seal)
JOSHUA J. COHEN, Mayor

_____, Alderman

FREDERICK M. PAONE, Alderman

CLASSIE GILLIS HOYLE, Alderwoman (Seal)

SHEILA M. FINLAYSON, Alderwoman (Seal)

JARED LITTMANN, Alderman (Seal)

KENNETH A. KIRBY, Alderman (Seal)

IAN PFEIFFER, Alderman (Seal)

ROSS H. ARNETT, Alderman (Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GARY M. ELSON, Assistant City Attorney Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, it is hereby certified that this Deed has been prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

PLEASE RETURN ORIGINAL TO:
Gary M. Elson
City of Annapolis Office of Law
160 Duke of Gloucester Street
Annapolis, Maryland 21401
Robert D. Miller, Esq.

Exhibit E
No Consideration Deed
Tax Acct. No.: 06 000 01407405

DEED

THIS DEED is made ____ day of _____, 2013, by and between the CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantor”) and ANA CORTES (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-18-13 of the City Council of the City of Annapolis adopted on the ____ day of _____, 2013 by the Mayor and Aldermen.

NOW, THEREFORE, in consideration of these premises, and for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee acknowledge, the Grantor hereby grants, conveys and assigns to the Grantee, her successors and assigns, in fee simple, forever, all of those parcels of land situate, lying and being in Anne Arundel County, Maryland, more particularly described as follows:

See attached Exhibit “A” and Exhibit “B”

Description of 5,162 square feet or 0.1185 of an acre of land

BEING or intending to be a portion of that conveyance from William H. Blades, Widower and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by Deed dated May 17, 1957, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1121 Folio 68. .

TOGETHER with the buildings and improvements thereon erected, made or being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above described parcel of land unto and to the proper use and benefit of the Grantee, her successors and assigns, in fee simple, forever.

THE GRANTOR covenants that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that it will

warrant specially the title to the property hereby conveyed, and that it will execute such further assurances of the same as may be requisite.

THE GRANTOR declares and affirms under the penalty of perjury that the consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust outstanding, is zero.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first herein written.

ATTESTATION, ACKNOWLEDGEMENT
AND ACCEPTANCE OF CONVEYANCE
AS TO ALL:

REGINA WATKINS-ELDRIDGE, City Clerk

CITY COUNCIL OF THE CITY OF ANNAPOLIS:

By: _____ (Seal)
JOSHUA J. COHEN, Mayor

_____, Alderman

FREDERICK M. PAONE, Alderman

CLASSIE GILLIS HOYLE, Alderwoman

SHEILA M. FINLAYSON, Alderwoman

_____ (Seal)

JARED LITTMANN, Alderman

(Seal)

KENNETH A. KIRBY, Alderman

(Seal)

IAN PFEIFFER, Alderman

(Seal)

ROSS H. ARNETT, Alderman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

GARY M. ELSON, Assistant City Attorney

Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, it is hereby certified that this Deed has been prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

Robert D. Miller, Esq.

PLEASE RETURN ORIGINAL TO:

Robert D. Miller, Esq.
Hyatt & Weber, P.A.
200 Westgate Circle, Suite 500
Annapolis, Maryland 21401

Policy Report

Ordinance O-18-13

The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue

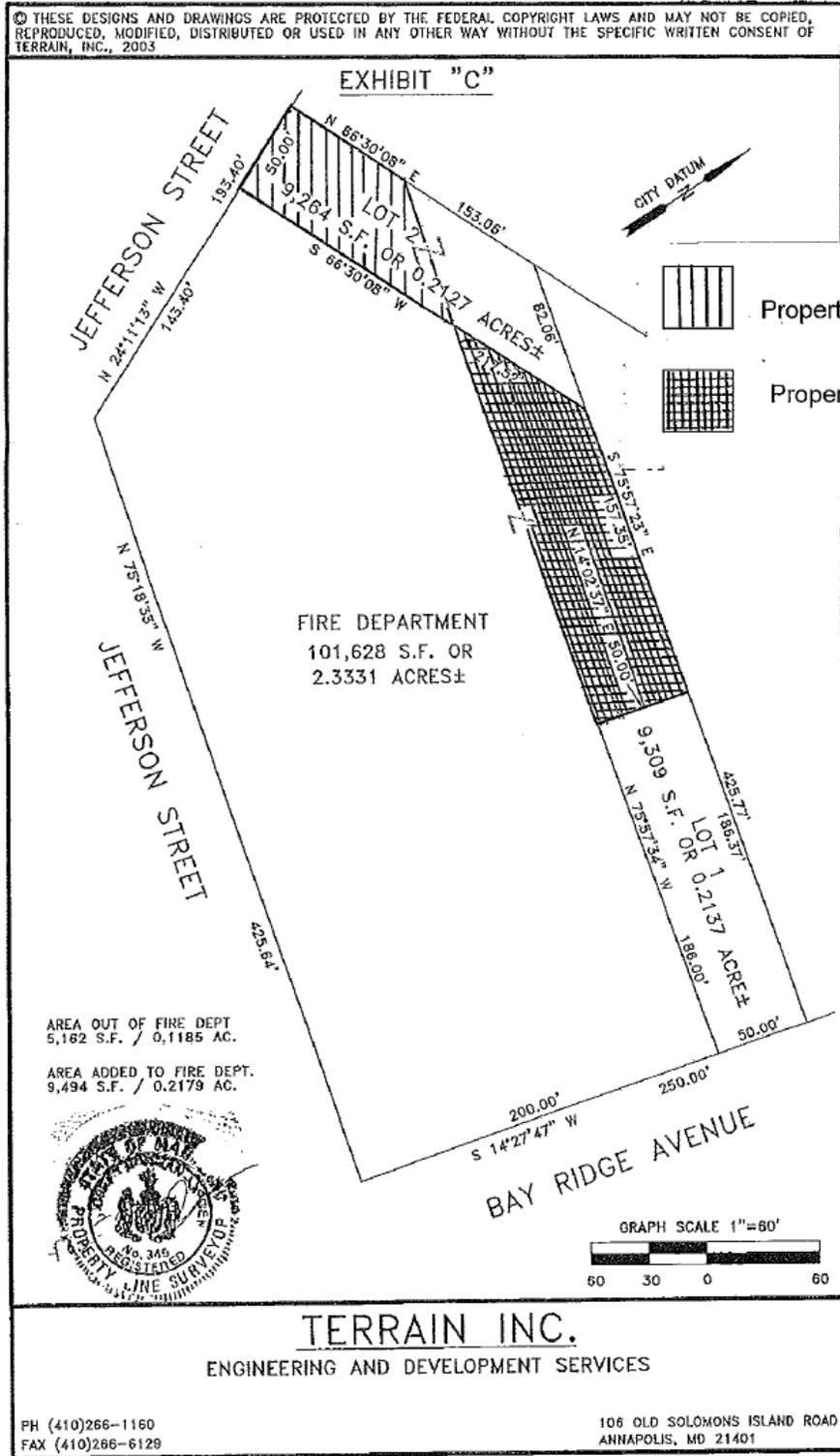
The proposed ordinance would convey by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes and accept the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue.

The subject of the proposed ordinance is a land swap at the Eastport Fire Station with an adjoining property owner, Ana Cortez. Cortez would convey approximately 9,583 square feet from her property at 908 Bay Ridge Avenue to the City of Annapolis in exchange for 4,792 square feet of the City of Annapolis' property located at 914 Bay Ridge Avenue.

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

**Alderman Arnett and Mayor Cohen's Proposed Amendment to O-18-13
The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

Substitute "Exhibit C" on Page 6 with the new "Exhibit C" below.



FISCAL IMPACT NOTE

Legislation No: O-18-13

First Reader Date: 4-22-13

Note Date: 4-24-13

Legislation Title: **The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

Description: For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.

Analysis of Fiscal Impact: This legislation provides for an exchange of land between Ana Cortes and the City of Annapolis. Ms. Cortes will bear all costs associated with the exchange including, but not limited to, attorney's fees, document preparation, survey expenses, title search, title insurance for her and for the City, recordation and transfer fees and taxes, and all other costs and expenses.

Other than the possibility of a change in the real property assessments of the properties, and thereby a change in the taxes collected by the City, this legislation produces no significant fiscal impact for the City.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-20-13

Sponsor: 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
4/22/13			7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/22/13		

8
9 **A ORDINANCE** concerning

10 **Highly Compensated Employees in the Police and Fire Retirement Plan**

11 **FOR** the purpose of establishing the definition of "highly compensated employee" within the
12 Police and Fire Retirement Plan and authorizing such highly compensated employee
13 participation in the Police and Fire Retirement Plan with the option of a retroactive
14 purchase of service credits at the actuarial value.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the
16 City of Annapolis, 2012 Edition
17 Section 3.36.020
18 Section 3.36.030

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
23 **CHAPTER 3.36 – POLICE AND FIRE RETIREMENT**

24
25 **3.36.020 - Definitions.**

26 A. The following words and phrases as used in this plan, unless a different meaning plainly is
27 required by the context, have the following meaning:

28 1. "Active service" means as follows:

- 29 a. Service before August 15, 1963: A member's active service before August 14,
30 1963 is that period of time, commencing with the member's most recent date of
31 hire and terminating on August 14, 1963, that the member was a full-time eligible
32 employee of the City's Police Department or Fire Department.
- 33 b. Service after August 14, 1963: A member's active service after August 14, 1963, is
34 that period of time, commencing with the later of August 15, 1963 or the member's
35 most recent date of hire, that the member (i) was a full-time eligible employee of
36 the City's Police Department or Fire Department and (ii) made all required

- 1 contributions to the City's police and fire retirement fund as specified in this
2 chapter.
- 3 c. Breaks in service: Except as set forth in this subparagraph, if a member terminates
4 employment with the City's Police Department or Fire Department for reasons
5 other than death, disability retirement or service retirement, the member will lose
6 all credit for active service earned before his/her employment terminated.
7 However, if the member is rehired and again becomes a member, and if when the
8 employee becomes a member again, the employee has vested rights to a pension
9 benefit under this plan, which rights derive from prior active service, then the
10 employee's prior active service will be reinstated and will be added to active
11 service earned after the employee's rehire. Furthermore, if a member terminates
12 employment with the City's Police or Fire Department but remains an employee of
13 the City, and if the employee subsequently becomes a member again without
14 having terminated employment with the City in the interim, the employee's active
15 service will include active service standing to the employee's credit when the
16 employment with the Police or Fire Department terminated unless the member
17 received a distribution of the member contributions, plus interest, attributable to
18 such service, in which event such service shall be disregarded. Furthermore, if a
19 member terminated employment with the City's Police Department before July 1,
20 1996 for reasons other than death, disability retirement or service retirement and
21 after such termination was rehired by the Police Department and again became a
22 member, the member shall be entitled to credit for any active service earned
23 before his/her employment terminated for which the member received, at the time
24 of termination, a distribution of the member's contributions, provided that, not later
25 than December 31, 1996, the member: (1) retires; (2) completes a claim for the
26 service credit in such form as the City's Human Resources Director may require;
27 (3) pays the retirement fund an amount equal to the distribution made to the
28 employee at the time of termination plus interest thereon calculated at a rate to be
29 determined by the Director of Finance in consultation with City pension
30 consultants, compounded on each July 1st and calculated from the date of
31 distribution through the date of payment hereunder. The provisions of the
32 preceding sentence shall apply whether or not the member was vested at the time
33 of the termination creating the break in service. Upon the foregoing payment to the
34 retirement fund, the member shall be deemed to have never withdrawn any
35 contribution as set forth in Section 3.36.020 (A)(16)(b).
- 36 d. Active service shall be computed, for the purpose of determining benefits to be
37 paid to the member from the retirement fund, to the nearest one-twelfth of a year.
- 38 e. Credit for military service: If a member's normal service retirement pension benefit
39 is determined under either Section 3.36.040(A)(2) or Section 3.36.040(C), service
40 on active duty with the Armed Forces of the United States will count as active
41 service under the following circumstances and subject to the following conditions
42 and limitations. Up to three years of active duty will be credited as active service if
43 the member is drafted or called to active duty and returns to service under this
44 plan within ninety days after becoming eligible for release from active duty. Active
45 duty, not to exceed three years, with the Armed Forces of the United States which
46 was completed honorable before employment began with the City will be counted
47 as active service; provided, however, that (i) military service will not count for
48 purposes of increasing the member's normal service pension benefit unless a
49 member has completed twenty years of actual active service with the City, (ii) no

- 1 military service credit will be awarded which would cause the member's total active
2 service to exceed any applicable plan maximum, and (iii) military service will not
3 count as active service for any purpose under the plan unless the member
4 provides written verification of the military service which is satisfactory to the City's
5 Human Resources Director.
- 6 2. "Annual earnings": A member's annual earnings shall equal twenty-six times the
7 member's straight-time biweekly pay period salary as that salary is in effect on the date
8 disability is incurred or death occurs.
- 9 3. "Credited interest" means the interest earned on member contributions for the number
10 of full months from the July 1st following the date the contribution was made to the date
11 to which interest is being computed. Member contributions made for the time period
12 ending June 30, 1980 shall accrue interest during the period described in the preceding
13 sentence at the rate of two percent per annum compounded on each July 1st. Member
14 contributions made for the time period beginning July 1, 1980 shall accrue interest
15 during the time period described in the first sentence of this subdivision at the rate of
16 five percent per annum compounded on each July 1st, except that the five percent per
17 annum interest rate may be modified, with the prior approval of the City Council.
- 18 4. "Disability retirement": Retirement granted pursuant to the provisions of Section
19 3.36.070
- 20 5. "Early service retirement date" of a member will be determined as follows:
- 21 a. If the member (i) was hired prior to August 1, 1972, and does not elect to be
22 covered by the normal service retirement pension formula described in Section
23 3.36.040(A)(2), (ii) was hired on or after August 1, 1972 but before August 1, 1979
24 and neither elects to be covered by subparagraph ii of paragraph c of subdivision
25 11 of this subsection (pertaining to normal service retirement after twenty-five
26 years of active service) nor to be covered by the normal service retirement pension
27 formula described in Section 3.36.040(A)(2) or (iii) was hired on or after August 1,
28 1979 but before July 1, 1980 and does not elect to be covered by subparagraph ii
29 of paragraph d of subdivision 11 of this subsection (pertaining to normal service
30 retirement after twenty-five years of active service), there shall be no provision in
31 the law for, nor shall the member have any right to, early service retirement.
- 32 b. If the member (i) was hired on or after August 1, 1972 but before August 1, 1979
33 and elects to be covered by subparagraph ii of paragraph c of subdivision 11 of
34 this subsection (pertaining to normal service retirement after twenty-five years of
35 active service) or elects to be covered by the normal service retirement pension
36 formula described in Section 3.36.040(A)(2), (ii) was hired on or after August 1,
37 1979, but before July 1, 1980, and elects to be covered by subparagraph ii of
38 paragraph d of subdivision 11 of this subsection (pertaining to normal service
39 retirement after twenty-five years of active service) or (iii) was hired on or after July
40 1, 1980, the member shall be eligible for early service retirement after twenty years
41 of active service.
- 42 6. "Eligible spouse" means a spouse to whom the member is married on the date of the
43 member's normal or early service retirement and to whom the member has been
44 married during the entire one-year period ending on that date. Additionally, an "eligible
45 spouse" is a spouse to whom the member is married as of the date a disability is
46 incurred if disability retirement benefits are awarded as a result of the disability. A

1 person will not qualify as an "eligible spouse" unless the marriage of the member to the
2 spouse was performed before proper civil or religious authority.

3 7. "Final earnings": A member's final earnings shall equal twenty-six times the average
4 straight-time salary of the highest consecutive seventy-eight biweekly pay periods
5 during the ten-year period preceding the date of the member's normal or early service
6 retirement or, if applicable, the date of the member's disability.

7 8. "Full time": A member shall be considered employed full time during any period in
8 which the member is carried as a full-time employee on the employment records of the
9 Police or Fire Department, as the case may be, or in which the member's straight-time
10 employment is at a rate which, if annualized, would equal at least two thousand eighty
11 straight-time hours per year.

12 9. "HIGHLY COMPENSATED EMPLOYEES" MEANS THE POLICE CHIEF AND FIRE
13 CHIEF.

14 10[9]. "Member" means a full-time employee of the City and either:

15 a. A sworn member of the police force of the Police Department, exclusive of parking
16 meter monitors but inclusive of police cadets; or

17 b. A member of the fire suppression force, fire prevention force or paramedic force of
18 the Fire Department.

19 11[10]. "Member contributions" means the amounts contributed by a member to the
20 retirement fund as set forth in this subdivision. Every member shall contribute to the
21 retirement fund as a condition of employment. The contribution shall be a percentage
22 of the member's straight-time salary determined as follows:

23 a. The contribution shall be three percent of straight-time salary for the following
24 categories of members: (i) members hired before August 1, 1972, who do not elect
25 to be covered under the normal service retirement pension formula described in
26 Section 3.36.040(A)(2), (ii) members hired on or after August 1, 1972 but before
27 August 1, 1979 who do not elect to be covered by subparagraph ii of paragraph c
28 of subdivision 11 of this subsection (pertaining to normal service retirement after
29 twenty-five years of active service) and who do not elect to be covered under the
30 normal service retirement pension formula described in Section 3.36.040 (A)(2)
31 and (iii) members hired on or after August 1, 1979 but before July 1, 1980 who do
32 not elect to be covered by subparagraph ii of paragraph d of subdivision 11 of this
33 subsection (pertaining to normal service retirement after twenty-five years of active
34 service). A member's contribution under the preceding sentence shall start with the
35 date of employment, but no earlier than July 1, 1966, and continue until the date of
36 service retirement, disability retirement, termination of service, or death while on
37 active service.

38 b. For (i) members hired on or after August 1, 1972 but before August 1, 1979 who
39 elect to be covered by subparagraph ii of paragraph c of subdivision 11 of this
40 subsection (pertaining to normal service retirement after twenty-five years of active
41 service) and who do not elect to be covered under the normal service retirement
42 pension formula described in Section 3.36.040(A)(2), (ii) members hired on or after
43 August 1, 1979 but before July 1, 1980 who elect to be covered by subparagraph ii
44 of paragraph d of subdivision 11 of this subsection (pertaining to normal service
45 retirement after twenty-five years of active service) and (iii) members hired on or
46 after July 1, 1980, the contribution shall be, starting with the date of employment

1 and continuing through June 30, 1980, three percent of the member's straight-time
2 salary, and, starting with July 1, 1980 and continuing until June 30, 1998, six and
3 one-half (6½) percent of the member's straight-time salary and starting with July 1,
4 1998 and continuing until the date of service retirement, disability retirement,
5 termination of service, or death while on active service, five and one-half percent
6 of the member's straight-time salary.

- 7 c. For members hired before August 1, 1979 who elect to be covered under the
8 normal service retirement pension formula described in Section 3.36.040(A)(2), the
9 contribution shall be, starting with October 1, 1991 (or, if earlier, the date the
10 member's election under Section 3.36.040(A)(2)) and continuing until the date of
11 service retirement, disability retirement, termination of service, or death while on
12 active service, five percent of the member's straight time salary. The contribution
13 for any such member prior to October 1, 1991 (or, if earlier, the date of the
14 member's election under Section 3.36.040(A)(2)) shall be determined under the
15 terms of the plan which applied to such member prior to that date.

16 12[11]. "Normal service retirement date" of a member will be determined as follows:

- 17 a. If the member was hired on or before July 31, 1967 the member, at the sole
18 determination of the City Council, may be permitted to retire after twenty years of
19 active service. There shall be no provision in the law under which a member may
20 apply for retirement or be retired at a certain age.
- 21 b. If the member was hired on or after August 1, 1967 but prior to August 1, 1972 the
22 member may elect either of the following:
- 23 i. The member, at the sole determination of the City Council, may be permitted
24 to retire after twenty years of active service. If the member elects the
25 preceding sentence, there shall be no provision in the law under which the
26 member may apply for retirement or be retired at a certain age.
- 27 ii. The member shall be eligible for retirement after completing twenty years of
28 active service and attaining the age of fifty-five.
- 29 c. If the member was hired on or after August 1, 1972 but prior to August 1, 1979, the
30 member may elect either of the following, the election to be accomplished in
31 writing with the City's Human Resources Director not later than June 30, 1981:
- 32 i. The member shall be eligible for retirement after completing twenty years of
33 active service and attaining the age of fifty-five.
- 34 ii. Upon payment to the retirement fund of a total of six and one-half percent of
35 the member's straight-time salary from July 1, 1980 to the date of election
36 (this amount to include payments made for that period under subdivision 10 of
37 this subsection pertaining to member contributions), and upon payment
38 thereafter of amounts required by paragraph b of subdivision 10 of this
39 subsection, the member shall be eligible for normal service retirement after
40 twenty-five years of active service.

41 If the member does not make an election in writing by June 30, 1981, the
42 member's retirement benefits shall be provided under subparagraph I of this
43 paragraph.

- 44 d. If the member was hired on or after August 1, 1979 but before July 1, 1980, the
45 member may elect either of the following, the election to be accomplished in
46 writing with the City's Human Resources Director not later than June 30, 1981:

- 1 i. The member shall be eligible for retirement after thirty years of active service
2 on an annual retirement income of five thousand dollars.
- 3 ii. Upon payment to the retirement fund of a total of six and one-half percent of
4 the member's straight-time salary from July 1, 1980 to the date of election
5 (this amount to include payments made for that period under subdivision 10 of
6 this subsection pertaining to member contributions), and upon payment
7 thereafter of amounts required by paragraph b of subdivision 10 of this
8 subsection, the member shall be eligible for normal service retirement after
9 twenty-five years of active service.

10 If the member does not make an election in writing by June 30, 1981, the
11 member's retirement benefits shall be provided under subparagraph I of this
12 paragraph.

- 13 e. If the member was hired on or after July 1, 1980, the member shall be eligible for
14 normal service retirement after twenty-five years of active service.
- 15 f. If a member elects to be covered under the normal service retirement pension
16 formula described in Section 3.36.040(A)(2), upon payment to the retirement fund
17 of a total of five percent of the member's straight time salary from October 1, 1991
18 through the date of election (this amount to include payments made for that period
19 under subdivision 10 of this subsection pertaining to member contributions) and
20 upon payment thereafter of amounts required by paragraph c of this subdivision 10
21 of this subsection, the member shall be eligible for normal service retirement after
22 twenty-five years of active service.
- 23 g. In determining a member's active service for purposes of eligibility for normal
24 service retirement under paragraphs a and b, subparagraph i of paragraph c, and
25 subparagraph i of paragraph d of this subdivision, a member shall receive credit
26 for one month of service for every twenty-two days of unused sick leave, to a
27 maximum of twenty months of service. Unused sick leave shall not be counted in
28 determining a member's eligibility for retirement benefits under subparagraph ii of
29 paragraph c, subparagraph ii of paragraph d, and paragraph e and paragraph h of
30 this subdivision.
- 31 h. This paragraph h shall apply only to members of the Police and Fire Departments
32 defined in Section 3.36.020(A)(9)(a) who retire on or after July 1, 1994. In addition
33 to being eligible for normal service retirement under paragraphs a through f of this
34 subdivision 11, such a member shall be eligible for normal service retirement after
35 twenty years of active service and attaining age fifty. The member contributions
36 and the normal service retirement pension that would have been applicable to
37 such a member had the member retired under another paragraph of this
38 subdivision 11 will continue to be applicable if the member retires under this
39 paragraph h.

40 13[12]. "Retired member" means a former member who has satisfied the criteria for
41 eligibility for service retirement or disability retirement.

42 14[13]. "Retirement fund" means the fund maintained by the City with a legal life reserve
43 insurance company, trustee, or other funding medium for the purpose of underwriting
44 this plan.

1 15[14]. "Salary" means earnings actually paid for normally scheduled duty hours of work
2 including authorized sick leave and annual leave, but excluding overtime hours or
3 emergency response hours while not on scheduled duty.

4 16[15]. "Social security integration level" means, with respect to the calendar year in
5 which a member retires or otherwise terminates employment, the average annual
6 amount of earnings for which old age and survivors benefits would be provided under
7 Title II of the Federal Social Security Act for a male employee sixty-five years old in
8 that calendar year, (a) computed as though for each year before that calendar year
9 annual earnings are at least equal to the maximum amount of annual earnings subject
10 to tax under the Federal Insurance Contributions Act and (b) using in computing such
11 average a maximum of thirty-five years and only years after calendar 1958. The
12 average annual amount of earnings shall be rounded to the next lower multiple of one
13 hundred dollars.

14 17[16]. "Vested rights" means the right of a member, upon termination of employment for
15 reasons other than retirement, disability or death, to receive a service retirement
16 pension at a certain age after completion of a certain number of years of active service.
17 "Vested rights" of a member are as follows:

18 a. If the member was hired before August 1, 1972, or if the member was hired on or
19 after August 1, 1972 but before August 1, 1979 and does not elect to be covered
20 by subparagraph ii of paragraph c of subdivision 11 of this subsection (pertaining
21 to normal service retirement after twenty-five years of active service), or if the
22 member was hired on or after August 1, 1979 but before July 1, 1980 and does not
23 elect to be covered by subparagraph ii of paragraph d of subdivision 11 of this
24 subsection (pertaining to normal service retirement after twenty-five years of active
25 service), the member shall have no vested rights. Accordingly, if he terminates
26 employment prior to retirement, disability or death, the member shall not be
27 entitled to any benefits under this plan, except for a refund of the member's
28 contributions, plus interest, as set forth in this chapter.

29 b. If the member was hired on or after August 1, 1972 but before August 1, 1979 and
30 elects to be covered by subparagraph ii of paragraph c of subdivision 11 of this
31 subsection (pertaining to normal service retirement after twenty-five years of active
32 service), or if the member was hired on or after August 1, 1979, but before July 1,
33 1980 and elects to be covered by subparagraph ii of paragraph d of subdivision 11
34 of this subsection (pertaining to normal service retirement after twenty-five years of
35 active service), or if the member was hired on or after July 1, 1980, the member
36 shall have full vested rights to a service retirement pension (calculated and
37 payable as set forth in this chapter) upon completion of ten years of active service,
38 but only as long as the member does not withdraw the member contributions.

39 18[17]. "Widow(er)" means a spouse to whom a member is married on the date of the
40 member's death while employed as a member, the marriage to have been performed
41 before proper civil or religious authority.

42 19[18]. "Yearly earnings" means the total amount of straight-time salary paid during the
43 twenty-six biweekly pay periods immediately preceding the date of retirement or death.

44 B. Other terms used in this chapter which are defined by Sections 1.04.020 or 1.04.030 shall
45 have the meanings assigned to them by that section.

46

1 **3.36.030 - Participation and application for benefits.**

- 2 A. Eligibility to Participate. Each member who participated in this plan on June 30, 1980 shall
3 continue to participate. Each other member will participate in and be covered by the
4 provisions of this plan effective with the member's date of hire. Participation in this plan is a
5 mandatory condition of employment.
- 6 B. Procedure to Establish Participation. A member shall obtain from, complete, and deliver to
7 the City's Human Resources Director those forms pertaining to participation in this plan as,
8 from time to time, may be prescribed.
- 9 C. Procedure for Obtaining Benefits. Any member who is eligible to receive benefits from the
10 plan shall obtain from, complete, and deliver to the City's Human Resources Director those
11 forms as, from time to time, may be prescribed.
- 12 D. Procedure for Withdrawal From Participation. Any member who withdraws from the plan
13 because of termination of employment prior to the accrual of retirement or vested rights,
14 shall obtain from, complete and deliver to the Human Resources Director those forms as,
15 from time to time, may be prescribed.
- 16 E. Procedure for Obtaining Widow(er) or Surviving Spouse Annuity Benefits. Any person
17 entitled to survivor's benefits under the plan, in order to obtain those benefits, shall obtain
18 from, complete, and deliver to the Human Resources Director those forms as, from time to
19 time, may be prescribed.
- 20 F. HIGHLY COMPENSATED EMPLOYEES SHALL HAVE THE OPTION TO PARTICIPATE
21 IN THIS PLAN. IN THE EVENT A HIGHLY COMPENSATED EMPLOYEE IS NOT A
22 MEMBER OF THE PLAN AT THE TIME OF HIS OR HER APPOINTMENT, HE OR SHE
23 MAY ELECT TO BECOME A MEMBER. IF HE OR SHE ELECTS TO BECOME A
24 MEMBER MORE THAN 30 DAYS AFTER HIS OR HER APPOINTMENT, THE HIGHLY
25 COMPENSATED EMPLOYEE MAY PURCHASE SERVICE CREDITS RETROACTIVE TO
26 THE DATE OF HIS OR HER APPOINTMENT. WHEN SUCH AN ELECTION IS MADE,
27 THE HIGHLY COMPENSATED EMPLOYEE (A) IS SOLELY RESPONSIBLE FOR THE
28 COST OF MAKING THE NECESSARY CONTRIBUTIONS TO THE PLAN TO PURCHASE
29 THE ADDITIONAL SERVICE CREDITS; (B) SHALL MAKE CONTRIBUTIONS IN AN
30 AMOUNT EQUAL TO THE ACTUARIAL COST OF THE SERVICE CREDITS, AS
31 DETERMINED BY THE PLAN'S ACTUARY; AND (C) SHALL PAY ANY ACTUARIAL FEE
32 ASSOCIATED WITH SUCH CALCULATION.

33

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

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

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Policy Report

Ordinance O-20-13

Highly Compensated Employees in the Police and Fire Retirement Plan

The proposed ordinance would establish the definition of “highly compensated employee” within the Police and Fire Retirement Plan and authorize such highly compensated employee participation in the Police and Fire Retirement Plan with the option of a retroactive purchase of service credits at the actuarial value.

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-20-13

First Reader Date: 4-22-13

Note Date: 4-24-13

Legislation Title: **Highly Compensated Employees in the Police and Fire Retirement Plan**

Description: For the purpose of establishing the definition of 'highly compensated employee' within the Police and Fire Retirement Plan and authorizing such highly compensated employee participation in the Police and Fire Retirement Plan with the option of a retroactive purchase of service credits at the actuarial value.

Analysis of Fiscal Impact: This legislation provides an opportunity for the Police Chief and the Fire Chief, not already participating in the Plan, to become a member more than 30 days after appointment to the position, and purchase service credits retroactive to the date of his or her appointment at an amount determined by the Plan's actuary. The employee would be responsible for paying the necessary contributions to the Plan and for any actuarial fee associated with the calculation.

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Ordinance No. O-28-12

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	180 Day Rule
7/23/12	09/24/12	09/14/12	01/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	07/23/12	11/05/12	Favorable
Planning Commission	07/23/12	09/13/12	Favorable w/amd.

8
9 **AN ORDINANCE** concerning

10 **Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units**

11 **FOR** the purpose of amending the procedures for the sale and rental of moderately priced
12 dwelling units.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the
14 City of Annapolis, 2011 Edition
15 Section 20.30.130
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 20.30 – MODERATELY PRICED DWELLING UNITS.**

20 **20.30.130 - Procedures for sale and rental of MPDUs.**

21 [A. Procedures for Sale or Rental of MPDUs.]

22 [1]A. Every MPDU required under this chapter [must] SHALL be [rented or] sold OR RENTED to
23 eligible persons to be used for his or her OR THEIR own residence.

24 [2]B. Before offering any MPDUs for sale or rent, the applicant [must] SHALL notify the
25 Department of Planning and Zoning of the proposed offering and the date on which the
26 applicant will be ready to begin marketing to eligible persons. The notice [must] SHALL include:

27 1. THE ADDRESS OF EACH MPDU OFFERED FOR SALE OR RENT; [a. Whether the units
28 will be sold or rented;]

29 2. IDENTIFICATION OF WHICH MPDUS SHALL BE SOLD AND WHICH SHALL BE

1 OFFERED FOR RENT;

2 [b. The number of units offered;]

3 [c]3. The number of bedrooms IN EACH MPDU OFFERED;

4 [d]4. The floor area for each [unit type] MPDU;

5 [e]5. A description of the amenities [offered] in each MPDU; [unit and a statement of the
6 availability of each unit for sale or rent;]

7 [f]6. A vicinity map of the offering; and

8 [g]7. Other information or documents as the Department of Planning and Zoning finds
9 necessary [to determine] FOR compliance with this chapter. [This notice by the Department of
10 Planning and Zoning shall be issued within thirty days of the date from which the applicant first
11 submitted its notice to commence marketing.]

12 [3]C. The Department of Planning and Zoning [will] SHALL maintain a list of eligible persons and
13 [must] SHALL SEND WRITTEN NOTICE TO [notify] eligible persons OF AN MPDU OFFERING
14 [by mail and by newspaper] prior to the start of the marketing period. THE NOTICE SHALL
15 INCLUDE A STATEMENT INDICATING THAT IF NO ELIGIBLE PERSON RESPONDS IN
16 WRITING TO THE NOTICE WITHIN FIFTEEN (15) BUSINESS DAYS AFTER THE DATE OF
17 THE NOTICE, OR IF ELIGIBLE PERSONS DO RESPOND WITHIN FIFTEEN (15) BUSINESS
18 DAYS AFTER THE DATE OF THE NOTICE BUT DO NOT QUALIFY FOR FINANCING OR
19 CANNOT PURCHASE THE MPDU FOR ANY OTHER REASON, OR IF NO ELIGIBLE
20 PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR THE MPDU WITHIN NINETY
21 (90) DAYS AFTER THE START OF THE MARKETING PERIOD, THE CITY MAY PURCHASE
22 THE MPDU AT THE PURCHASE PRICE ESTABLISHED FOR THE MPDU, BUT THAT IF THE
23 CITY DOES NOT OPT TO PURCHASE THE MPDU, THE DEPARTMENT OF PLANNING AND
24 ZONING INTENDS TO ISSUE A WRITTEN NOTICE TO THE APPLICANT AUTHORIZING
25 THE APPLICANT TO OFFER THE MPDU TO THE GENERAL PUBLIC FOR SALE. THE
26 DEPARTMENT OF PLANNING AND ZONING SHALL NOT BE REQUIRED TO ISSUE ANY
27 FURTHER NOTICE TO ELIGIBLE PERSONS BEFORE AUTHORIZING THE APPLICANT TO
28 OFFER THE MPDU FOR SALE TO THE GENERAL PUBLIC.

29 [4]D. An applicant [must] SHALL not sell or rent any [unit] MPDU to aN ELIGIBLE [qualified]
30 person as defined in this chapter] until such person has obtained a certificate of eligibility issued
31 by the Department of Planning and Zoning. [from the buyer or lessee. A copy of each certificate
32 must be maintained on file by the Department of Planning and Zoning.]

33 [5]E. IF NO ELIGIBLE PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR ANY
34 MPDU OFFERED FOR SALE WITHIN ninety (90) days after the start of a marketing period,
35 THE CITY [Department of Planning and Zoning] may purchase THE MPDU AT THE
36 PURCHASE PRICE ESTABLISHED FOR THE MPDU [a for sale MPDU if no eligible person
37 has entered into a purchase agreement or contracted to buy that MPDU]. IF THE CITY
38 PURCHASES AN MPDU UNDER THESE CIRCUMSTANCES, THE STATUS OF THE MPDU
39 AS A FOR SALE MPDU SHALL NOT CHANGE. THE CITY [The Department of Planning and
40 Zoning] shall only [rent or] sell the CITY OWNED MPDU to an eligible person AND THE CITY
41 OWNED MPDU SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

42 F. IF THE CITY OPTS NOT TO PURCHASE AN MPDU FOR WHICH NO ELIGIBLE PERSON
43 HAS ENTERED INTO A CONTRACT OF SALE WITHIN THE NINETY (90)

1 DAY MARKETING PERIOD TO ELIGIBLE PERSONS, THE DEPARTMENT OF PLANNING
2 AND ZONING SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT CONTAINING AN
3 AUTHORIZATION TO MARKET THE MPDU TO THE GENERAL PUBLIC FOR SALE AT THE
4 APPROVED PURCHASE PRICE. THE DEPARTMENT OF PLANNING AND ZONING SHALL
5 NOT ISSUE AN AUTHORIZATION TO MARKET TO THE GENERAL PUBLIC UNLESS ALL
6 REQUIREMENTS OF THIS CHAPTER HAVE BEEN SATISFIED. THE STATUS OF AN MPDU
7 FOR SALE SHALL NOT CHANGE AS A RESULT OF AN OFFERING TO THE GENERAL
8 PUBLIC, AND ALL MPDUS THAT ARE SOLD TO THE GENERAL PUBLIC SHALL BE
9 SUBJECT TO MPDU INCOME REQUIREMENTS AND SHALL BE OFFERED TO RESIDENTS
10 OF ANNE ARUNDEL COUNTY.

11 [6]G. The deposit required with the sales contract for the purchase of an MPDU shall not exceed
12 one thousand dollars.

13 [7]H. Every buyer or renter of an MPDU, INCLUDING THOSE MPDUS BOUGHT OR LEASED
14 BY MEMBERS OF THE GENERAL PUBLIC UNDER THE PROVISIONS OF THIS CHAPTER,
15 [must] SHALL occupy the [unit] MPDU as his or her OR THEIR primary residence during the
16 [control] OCCUPANCY period. [Each] EVERY buyer and renter [must] SHALL certify before
17 taking occupancy that he or she OR THEY SHALL [will] occupy the [unit] MPDU as his or her
18 primary residence during [the] ANY occupancy period. The Director of Planning and Zoning may
19 require an MPDU owner who does not occupy the [unit] MPDU as [his or her] A primary
20 residence to offer the unit for resale [to an eligible person] under the [resale] provisions of THIS
21 CHAPTER [Section 20.30.140] OR MAY REQUIRE A RENTER WHO IS NOT AN ELIGIBLE
22 PERSON TO VACATE. [Every MPDU required under this chapter must be offered to the
23 general public for sale or rental to a good-faith purchaser or renter to be used for his or her own
24 primary residence, except units offered for sale or rent to a non-profit corporation, whose
25 purpose is to provide housing for persons of moderate income.]

26 [8]I. An owner of an MPDU [may] SHALL not rent the [unit] MPDU unless the renter is an
27 eligible person, and the rental is approved in writing by the Department of Planning and Zoning
28 annually. ALL ANNUAL RENTAL RENEWALS SHALL BE GOVERNED BY TITLE 17 OF THE
29 ANNAPOLIS CITY CODE.

30 [9]J. ANY MPDU OWNER WHO RENTS AN MPDU TO AN INELIGIBLE PERSON [Any rent
31 obtained for a MPDU that is rented to an ineligible person must] SHALL [be paid] PAY ALL
32 SUCH RENT into the CITY'S Homeownership Assistance Trust Fund [by the owner within
33 ninety] THIRTY (30) days after the Department of Planning and Zoning notifies the owner of the
34 rental violation. THE DEPARTMENT OF PLANNING AND ZONING MAY ASSESS THE
35 OWNER [Any amount unpaid after ninety days is grounds for the Department of Planning and
36 Zoning to assess] a monthly fee that is equal to the HUD fair market rent for the MPDU["] FOR
37 EACH MONTH THAT RENT WAS CHARGED AND RECEIVED IN VIOLATION OF THIS
38 CHAPTER.
39

40 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
41 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
42

43 **ADOPTED** this _____ day of _____, _____.
44
45

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

1 **Policy Report**

2
3 **O-28-12**

4
5 **Amending the Procedures for the Sale and Rental**
6 **of Moderately Priced Dwelling Units**

7
8 The proposed ordinance would amend the procedures for the sale and rental of
9 moderately priced dwelling units (MPDU). Specifically, if the City opts not to purchase
10 an MPDU for which no eligible person has entered into a contract of sale within the 90
11 day marketing period to eligible persons, the Department of Planning and Zoning shall
12 provide written notice to the applicant containing an authorization to market the MPDU
13 to the general public for sale at the approved purchase price. The Department of
14 Planning and Zoning shall not issue an authorization to market to the general public
15 unless all requirements of Chapter 20.30 of the City Code have been satisfied. The
16 status of an MPDU for sale shall not change as a result of an offering to the general
17 public and all MPDUs that are sold to the general public shall be subject to MPDU
18 income requirements and shall be offered to residents of Anne Arundel County.

19
20 Any MPDU owner who rents an MPDU to an ineligible person shall pay all such rent into
21 the City's Homeownership Assistance Trust Fund 30 days after the Department of
22 Planning and Zoning notifies the owner of the rental violation. The Department of
23 Planning and Zoning may assess the owner a monthly fee that is equal to the HUD fair
24 market rent for the MPDU for each month that rent was charged and received in
25 violation of this chapter.

26
27 Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at
28 JCCowles@annapolis.gov or (410) 263-1184.
29



City of Annapolis City Council
Committee & Commission Referral Action Report

Date: 11/05/12

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

The Housing and Human Welfare Committee has reviewed 0-28-12 and
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Kirby, Chair yes Ald. Hoyle yes Ald. Silverman n/a

Meeting Date 11-5-12

Signature of Chair Kenneth A Kirby



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 11/13/12

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

The Rules and City Government Committee has reviewed 0-28-12 and
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

*with the understanding that
staff will work on legislation
to revamp the MPDU program*

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 11/13/12

Signature of Chair *Rebel Grand*



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

September 13, 2012

MEMORANDUM

To: Annapolis City Council

From: Planning Commission

Re: Findings on Ordinance 0-28-12; Procedures for the Sale and Rental of Moderately Priced Dwelling Units.

SUMMARY

The proposed amendment to City Code Title 20 Chapter 20.30.130 modifies the procedure for developers to sell their MPDUs if the City cannot find eligible buyers within the specified marketing period. The amendment would change the law to allow sale to the public once the 90-day marketing period is completed and the Department is not interested in purchasing the MPDU.

On September 6, 2012, the Planning Commission held its regularly scheduled meeting and heard the proposed amendment, being properly advertised in accordance with the Annapolis City Code.

STAFF RECOMMENDATION

At the meetings referenced above, the Planning and Zoning staff presented their analysis of the amendment in a report dated August 29, 2012. Staff recommended approval of the amendment.

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 Application. No member of the public spoke at the public hearing.

RECOMMENDATION

In the discussion, it became clear that there was an inadvertent grammatical error in the language of the proposed amendment. The correct wording should be:

“IF NO BUYER WHO IS INCOME ELIGIBLE AND AN ANNE ARUNDEL COUNTY RESIDENT IS FOUND WITHIN 30 DAYS OF THE NOTICE TO SELL TO THE GENERAL PUBLIC THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL HAVE THE AUTHORITY TO WAIVE THESE REQUIREMENTS.” (Change underlined).

The Planning Commission, by a vote of 5-0-1, recommends approval of the amendment, as further amended.

Adopted this 4th day of October, 2012

Annapolis City Council
"Rodgers Property" Findings
October 20, 2005
Page 2

Dr. Eleanor Harris

Dr. Eleanor Harris, Chair

Planning Commission Amendment to O-28-12
Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units

Page 2, Line 8 insert: “IF NO BUYER WHO IS INCOME ELIGIBLE AND AN ANNE ARUNDEL COUNTY RESIDENT IS FOUND WITHIN 30 DAYS OF THE NOTICE TO SELL TO THE GENERAL PUBLIC, THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL HAVE THE AUTHORITY TO WAIVE THESE REQUIREMENTS.”

FISCAL IMPACT NOTE

Legislation No: O-28-12

First Reader Date: 7-23-12

Note Date: 9-14-12

Legislation Title: Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units

Description: For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.

1 CITY COUNCIL OF THE
2 City of Annapolis

3
4 Ordinance No. O-36-12

5 Introduced by: Mayor Cohen and Alderman Arnett
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
9/24/12	10/22/12	10/13/12	12/21/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/24/12		
Planning Commission	11/26/12	12/6/12	
Alcoholic Beverage Control Board	11/26/12	12/5/12	

8
9 **AN ORDINANCE** concerning

10 **Permitted Hours of Sidewalk Cafes**

11 **FOR** the purpose of authorizing permitted sidewalk cafes to remain open during the normal
12 business hours governing such establishments.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the
14 City of Annapolis, 2011 Edition
15 Chapter 7.42
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 7.42 – Sidewalk Cafes**

20 **7.42.010 - Sidewalk café—Defined—Permit required.**

21 A. A person shall not construct, maintain, use or operate a sidewalk café without first
22 obtaining a permit as provided in this chapter.

23 B. An application for a sidewalk café permit shall be made to the City Clerk on forms provided
24 by the City Clerk. The application shall be made by the operating establishment.

25 C. A sidewalk café permit shall be for one year from May 1st in each year until the following
26 April 30th, except that, for the 1996-1997 term, the permit shall be valid from the date on which
27 the permit is issued, even if prior to May 1, 1996. The holder of a permit shall pay an annual fee
28 as established by resolution of the City Council. The annual fee shall be paid with the original
29 permit application and with the request for renewal of the permit.

30 D. For purposes of this chapter, "sidewalk café" means any area situated on a public sidewalk

1 where food, refreshments, and/or beverages are sold by a restaurant, delicatessen, ice cream
2 shop or coffee shop (hereinafter "operating establishment") for public consumption at tables or
3 counters located on the sidewalk fronting the operating establishment. Sidewalk cafés shall
4 operate only as authorized pursuant to this chapter.

5

6 **7.42.020 - Standards.**

7 A. No part of a sidewalk café area shall encroach upon any part of the sidewalk frontage of
8 any adjacent premises, right-of-way or alley.

9 B. A sidewalk café must leave a minimum six-foot unobstructed passageway for pedestrians
10 along the length of the café. For operating establishments adjacent to sidewalks less than ten
11 feet wide at the location of the proposed sidewalk café, the City Clerk, with the consent of the
12 Department of Public Works, may reduce the unobstructed passageway to not less than that
13 required by the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) or its successors.

14 C. The holder of a sidewalk café permit shall fully insure, indemnify, defend and hold
15 harmless the City and in their capacity as such, the officers, agents and employees thereof from
16 and against any and all claims and damages in any way arising out of or through the acts or
17 omissions of the permit holder or its employees in the construction, operation, maintenance,
18 use, placement or condition of the sidewalk café. An applicant for sidewalk café shall provide
19 proof of such insurance before a permit may be issued or renewed under this chapter.

20 D. A sidewalk café shall close and all café seating shall be removed from the café area no
21 later than [eleven p.m.] THE PERMITTED CLOSING TIME OF THE OPERATING
22 ESTABLISHMENT. The café area shall be cleared of all other furniture (excepting any furniture
23 approved pursuant to Section 21.08.060(C) to remain in the café area overnight), debris and
24 obstructions to the sidewalk no later than [midnight] THE PERMITTED CLOSING TIME OF
25 THE OPERATING ESTABLISHMENT.

26 E. An operating establishment shall not sell, serve or allow consumption of alcoholic
27 beverages on its sidewalk café without obtaining the required license from the Alcoholic
28 Beverage Control Board. Alcoholic beverages shall be served on the sidewalk café only in
29 conjunction with the service of food. Notwithstanding any contrary or different hours of operation
30 in its alcoholic beverages license, an operating establishment shall not sell, serve or allow
31 consumption of alcoholic beverages on its sidewalk café after the [sidewalk café's]
32 OPERATING ESTABLISHMENT'S PERMITTED closing time.

33 F. Sidewalk café furniture shall comply with any and all guidelines adopted pursuant to
34 Section 21.08.060(C) of this code. Except as otherwise provided pursuant to Section
35 21.08.060(C), all sidewalk café furniture shall be readily moveable and shall be stored indoors
36 when not in use. No permanent structures or improvements shall be installed in or near the café
37 area.

38 G. The following are prohibited in the café area: cooking of food; unshielded trash or refuse
39 storage; advertisements (exclusive of menus intended to be read from café); outdoor
40 entertainment, music, speakers, or public address system; exclusively carry-out transactions.

41 H. A sidewalk café shall comply with all applicable building, health, safety, fire, zoning and
42 environmental standards.

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7.42.030 - Existing sidewalk cafés.

Sidewalk cafés in existence in the C2 district as of November 13, 1995 under authority of a lease agreement with the City, may, at the option of the lessee, continue to operate pursuant to either the existing terms of such lease agreement or the terms of this chapter.

7.42.040 - Sidewalk café violation.

The provisions of this chapter shall be enforced by the Department of Public Works. A person who continues to violate this chapter after a written request to take corrective action is guilty of a municipal infraction and shall be fined for each violation as established by resolution of the City Council plus costs. In addition, the City Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent conviction under this section in any twelve month period.

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.

O-36-12

Permitted Hours of Sidewalk Cafes

Policy Report

The proposed ordinance would authorize permitted sidewalk cafes to remain open during the operating hours of such establishments. For permitted sidewalk cafes, the operating hours for such establishments are authorized generally in the zoning code or may be subject to a special exception or restrictions from the Alcoholic Beverage Control Board (ABCB). If there is a discrepancy in operating hours between a special exception or ABCB restrictions, the special exception operating hours prevail.

Prepared by: Jessica Cowles, City of Annapolis Office of Law, JCCowles@annapolis.gov or (410) 263-1184.

**Technical Amendment to O-36-12
Permitted Hours of Sidewalk Cafes**

Page 1, Line 14: strike “2011” and insert “2012”

Page 2, Lines 23, Line 34, Line 35: strike “21.08.060 (C)” and insert “21.08.060 (E)”



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

Chartered 1708 Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP
DIRECTOR

May 2, 2013

MEMORANDUM

To: City Council

From: Jon Arason
Planning Director

Re: Ordinance O-36-12 for the purpose of authorizing sidewalk cafes to remain open during the approved hours of operation of the adjacent restaurant

This ordinance amends Chapter 7.42 of the code pertaining to the licensing, standards and operations of sidewalk cafes by allowing hours of operation consistent with the hours of the establishment having the sidewalk cafe. Sidewalk cafes are permitted through the city clerks office though café furniture has to meet HPC standards. Currently sidewalk cafes are required to close at 11:00 pm.

Section 21.08.030 of the Code establishes the duties of the Planning Commission:

Duties. The Planning Commission shall have the following powers and duties:

1. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, [Chapter 21.32](#) and [Chapter 21.34](#)
2. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.
3. Hear and decide applications on planned developments pursuant to the provisions of Zoning Code [Chapter 21.24](#)
4. Execute all powers conferred to Planning Commissions under Article 66B of the Annotated Code of Maryland.
5. On referral by the Director of Planning and Zoning of a major site design the Planning Commission shall hold a public hearing and make recommendations.
6. On referral by the Director of Planning and Zoning on structures greater than 3250 square feet in R2-NC zoning districts the Planning Commission shall hold a public hearing and make recommendations.

Though amendments to Title 7 are not among the Planning Commission duties, the ordinance was referred to the commission.

This ordinance would allow sidewalk cafes to maintain the same hours of operation as the adjoining restaurant. No other provisions for the operation of such cafes would be altered.

There are no review criteria for the Planning Commission relative to amendments to code provisions other than Titles 20 and 21. Planning staff is of the opinion that with the other sidewalk café standards maintained, hours of operation consistent with the restaurant can will have no adverse impacts, and would maintain an active street presence that would be beneficial to the public,c and recommends approval.

Alcoholic Beverage Control Board Amendment to Ordinance O-36-12

Permitted Hours of Sidewalk Cafes.

Member Miron moved a favorable recommendation of Ordinance O-36-12, Permitting Sidewalk Cafés to remain open during normal business hours governing such establishments; *however, the Board expresses concern about the strict enforcement of Alcoholic Beverage Control Board laws regarding the service of food with alcohol for Sidewalk Cafes during extended hours.* Seconded. CARRIED on voice vote.

FISCAL IMPACT NOTE

Legislation No: O-36-12

First Reader Date: 9/24/12

Note Date: 10/13/12

Legislation Title: **Permitted Hours of Sidewalk Cafes**

Description: For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

Analysis of Fiscal Impact: This legislation should produce no significant fiscal impact.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-10-13

Introduced by: Alderman Littmann, Alderman Pfeiffer, 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
4/8/13			6/7/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/8/13		
Environmental Matters	4/8/13		

A RESOLUTION concerning

A Protocol for Ensuring the Implementation of the Forest Conservation Act

FOR the purpose of enacting a protocol to ensure the implementation of the Forest Conservation Act.

WHEREAS, Since the adoption of O-11-92 on April 13, 1992, the City of Annapolis has adhered to the State of Maryland's requirements in the Forest Conservation Act, as amended from time to time; and

WHEREAS, at a Special City Council Meeting on June 18, 2012, the City Council adopted Resolution R-26-12 to establish a Forest Conservation Act Working Group ("Working Group") to review and make recommendations on the City of Annapolis' legislation and policies pertaining to the implementation of the Forest Conservation Act; and

WHEREAS, the Working Group is nearing completion of their recommendations and the City Council is awaiting their findings for consideration as legislative action; and

WHEREAS, the City of Annapolis desires to balance its goal of consistently applying the Forest Conservation Act, as it may be revised following receipt of the working group's recommendations, with its goal of avoiding delay of previously filed applications for development approval.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that in order to appropriately balance these goals:

- A. Applications for development on areas of 40,000 square feet or greater that were submitted prior to April 1, 2013, will continue to be processed under the current City

Code in effect. Neither the submission and approval of a Forest Stand Delineation (FSD), nor an application for development submitted prior to an approved FSD, shall constitute an application for development for purposes of this Resolution.

- B. Applications for development on areas of 40,000 square feet or greater that are submitted on or after April 1, 2013, will not be processed for approval or be submitted to the Planning Commission, with the exception of a Forest Stand Delineation (as to which can be reviewed and can be approved), until the earlier of the date on which:
 - 1. The City Council has received the recommendations from the Working Group and has voted on whether, if so, to amend the City Code with respect to the Forest Conservation Act; or
 - 2. Six months from the date of adoption of this Resolution.

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that

- 1. This allowance of time for the City to consider applications for development applies to any and all projects that fall under the jurisdiction of the Forest Conservation Act. Specifically, it refers to an application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater as required in the State Forest Conservation Act.
- 2. This legislation does not prevent the City from accepting and considering such applications during this time frame. City staff shall not approve, or recommend for approval, any such applications. In addition, if the resulting legislation changes the process or substance of the implementation of the Forest Conservation Act, the City must apply the new standards to all such applications.

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that it is the intention of the Annapolis City Council that any forthcoming revisions to the Annapolis City Code pertaining to the implementation of the Forest Conservation Act will apply to those applications submitted for review after April 1, 2013.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this resolution shall take effect on the date of adoption.

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-10-13

A Protocol for Ensuring the Implementation of the Forest Conservation Act

Since the adoption of O-11-92 on April 13, 1992, the City of Annapolis has adhered to the State of Maryland's requirements in the Forest Conservation Act, as amended from time to time. The proposed resolution would enact a protocol in the City of Annapolis to ensure the implementation of the Forest Conservation Act.

The City of Annapolis desires to balance its goal of consistently applying the Forest Conservation Act, as it may be revised following receipt of the working group's recommendations, with its goal of avoiding delay of previously filed applications for development approval. In order to appropriately balance these goals, the proposed resolution would set forth that:

- Applications for development on areas of 40,000 square feet or greater that were submitted prior to April 1, 2013, will continue to be processed under the current City Code in effect. Neither the submission and approval of a Forest Stand Delineation (FSD), nor an application for development submitted prior to an approved FSD, shall constitute an application for development for purposes of this Resolution.
- Applications for development on areas of 40,000 square feet or greater that are submitted on or after April 1, 2013, will not be processed for approval or be submitted to the Planning Commission, with the exception of a Forest Stand Delineation (as to which can be reviewed and can be approved), until the earlier of the date on which:
 - The City Council has received the recommendations from the Working Group and has voted on whether, if so, to amend the City Code with respect to the Forest Conservation Act; or
 - Six months from the date of adoption of this Resolution.

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



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 4/15/13

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

The Economic Matters Committee has reviewed R-10-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair ~~Yes~~ No Ald. Finlayson ~~Yes~~ No Ald. Israel N/A

Meeting Date 4/15/13 Signature of Chair JM Paone

FISCAL IMPACT NOTE

Legislation No: R-10-13

First Reader Date: 4-8-13

Note Date: 4-10-13

Legislation Title: **A Protocol for Ensuring the Implementation of the Forest Conservation Act**

Description: For the purpose of enacting a protocol to ensure the implementation of the Forest Conservation Act.

Analysis of Fiscal Impact: This legislation can delay the collection of permit fees for six months. Permits fees are determined at the time of application.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-23-13

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
4/22/13			7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/22/13		
Finance	4/22/13		

A RESOLUTION concerning

Special Event Applications - II

FOR the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving docking fees for the Eastport Yacht Club Lights Parade; and the reimbursement of full fees to the City for the cost associated with the other approved events.

WHEREAS, the Annapolis City Council adopted R-14-12 on April 23, 2012 that enacted a moratorium on administrative approvals of major special events at City Dock; and

WHEREAS, R-14-12 shall expire on April 23, 2013 or on the effective date of a forthcoming comprehensive special event ordinance (see pending ordinance O-4-13); and

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

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

1
2 **WHEREAS,** the following applicants seek to hold special events in the City in 2013
3 (complete details are included in the attached staff report);
4 • ZOOMA Women’s Race Series (ZOOMA Annapolis Half Marathon and
5 10K: June 1)
6 • Corvette Annapolis (Corvettes on the Bay Car Show: June 15)
7 • Mid-Atlantic Plein Air Painters Association (Paint Annapolis 2013: June 26-
8 30)
9 • Chesapeake Bay Yacht Racing Association (CBYRA) (Annapolis Race
10 Week: August 31-September 2)
11 • Semper Fi Fund (John Ripley Memorial Race: November 10)
12 • Eastport Yacht Club (Lights Parade: December 14).

13
14 **NOW THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City
15 Council authorizes the above special events and exempts from the R-14-12 moratorium the
16 Corvette Annapolis Corvettes on the Bay Car Show, the Semper Fi John Ripley Memorial Race,
17 the Eastport Yacht Club Lights Parade and the ZOOMA Women’s Race Series Annapolis Half
18 Marathon and 10K.

19
20 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
21 merchandise in the Historic District are allowed in conjunction only with the approved special
22 events (CBYRA Annapolis Race Week and Paint Annapolis 2013) and in the geographic
23 location(s) of the approved special events.

24
25 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be
26 a waiver of docking fees for the Eastport Yacht Club Lights Parade.

27
28 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be
29 no waiver of full fees for any other approved special event in this resolution. Notwithstanding
30 any other provision of law, the Director of Finance shall determine the full fees incurred by the
31 City government and the organizers of the event shall reimburse the City for full fees.

32
33 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
34 representative of the City will be present to resolve matters relating to these special events 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.

37
38 **ADOPTED** this _____ day of _____, ____.

39
ATTEST: THE ANNAPOLIS CITY COUNCIL

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

40
41 **EXPLANATION**
42 CAPITAL LETTERS indicate matter added to existing law.
43 [brackets] indicate matter stricken from existing law.
44 Underlining indicates amendments.

Staff Report

R-23-13

Special Event Applications

The proposed resolution would authorize Council approval of the following special events under the three categories, below:

- Vendor Sales in the Historic District [Chapter 7.40.090 A.]
- Moratorium on Administrative Approvals of Major Special Events at City Dock [R-14-12]
- Waiver of fees [Chapter 6.04.210 D.4.]

CBYRA—Applicant

Event: CBYRA Annapolis Race Week

Council Action: Vendor Sales in Historic District

Sales: event related merchandise

Location: Susan Campbell Park

Date: Saturday-Monday, August 31-September 2, 2013

Event Time: Noon-9 p.m.

Property Use Time: Setup 8 a.m. Friday, August 30; Breakdown 12:00 p.m. Tuesday, September 3, 2013

Participants: CBYRA members and volunteers

Attendees: race participants and guests

Street closures: None

Post no parking: No

Admission fee: None

City Services: full cost paid

1) DNEP: Exempt peddlers permit to sell in Historic District

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Mid-Atlantic Plein Air Painters Association—Applicant

Event: Paint Annapolis 2013

Council Action: Vendor Sales in Historic District

Sales: sale of paintings by artists

Location: Susan Campbell Park (for paint, show and sale of paintings); Hopkins Plaza (registration and welcome booth)

Dates: Wednesday-Sunday, June 26-30, 2013

Event Time: sunrise to sunset

Property Use Time: Hopkins Plaza Wednesday-Friday, 7 a.m.-7 p.m. and Saturday, 7 a.m.-2 p.m.; Susan Campbell Park, Saturday, June 29, 11:30 a.m.-1:30 p.m.

Participants: artists and volunteers

Attendees: visitors and residents of Annapolis

Admission fee: none

Street closures: none

Posted no parking: none

Amplified music: none

Food: none

City Services: full cost paid

1) DNEP: Exempt Peddlers permit to sell in the Historic District.

2) ADOT: Parking passes (Mayor to waive \$299; balance paid by applicant)

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Corvette Annapolis—Applicant

Event: Corvettes on the Bay (Corvette car show) fundraiser, Arc of the Central Chesapeake Region

Council Action: Moratorium on Administrative Approvals (posted no parking)

Sales: none

Location: Susan Campbell Park; City Dock parking area

Date: Saturday, June 15, 2013

Event Time: 10 a.m.-4 p.m.

Property Use Time: 8 a.m.- 5 p.m.

Participants: Club members and Corvette owners

Attendees: visitors and residents of Annapolis

Admission fee: open to the public

Street closures: none

Posted no parking: between Susan Campbell Park and Harbormaster Building (island spaces only; Harbormaster and Dock Street parking will remain open)

Amplified music: yes (recorded music)

Food/Beverage: none

City Services: full cost paid

1) ADOT: Posting of no-parking signs and reimbursement of staff time and parking fees for time of Property Use

2) DNEP: Temporary Structures permit

3) City Clerk: Solicitors' Permit for sale of voting ballots to spectators as a fundraiser

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Semper Fi Fund—Applicant

Event: 5th Annual John Ripley Memorial Race

Council Action: Moratorium on Administrative Approvals (road closure)

Sales: none

Posted no parking: none

Location: Navy-Marine Corps Stadium

Dates: Sunday, November 10, 2013

Event Time: 9-10 a.m.

Property Use Time: 6 a.m.-10:30 a.m.

Participants: Semper Fi Fund volunteers and event runners

Attendees: visitors and residents of Annapolis

Admission fee: public, none

Street closures: Route below; in City Dock: Randall Street from Main to Prince George Street

Amplified music: at Stadium only—pre-recorded music; announcements

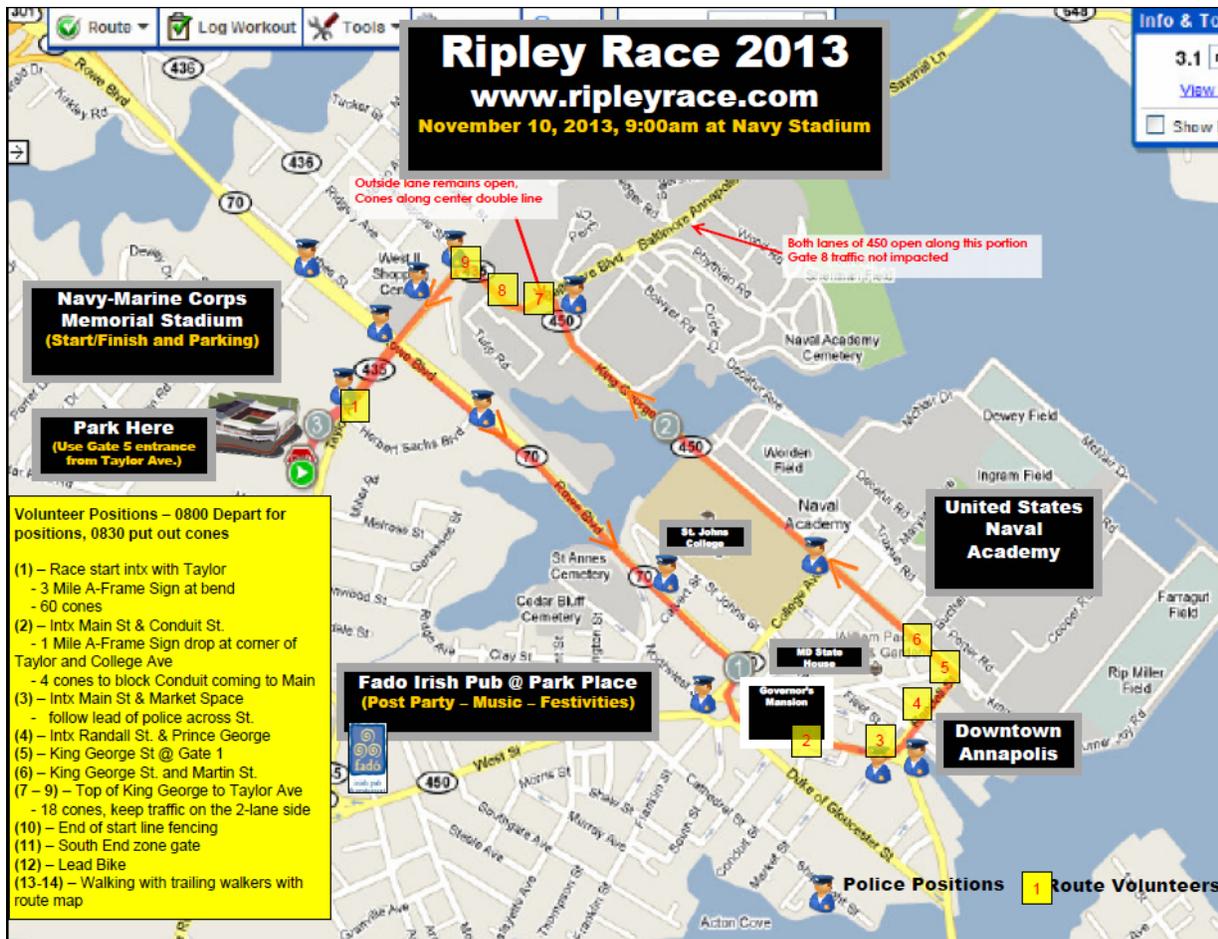
Food: none served or for sale

City Services: full cost paid

1) APD: Police route management

2) AFD: EMS on site

RUN ROUTE: below (start and finish only in City)



Eastport Yacht Club—Applicant

Event: 31st Annual Eastport Yacht Club Lights Parade

Council Action: 1) Waiver of dockage fees and electricity for boat decorating; parking spaces for boat parade decorating participants; 2) Moratorium on Administrative Approvals (no parking posted)

Sales: none

Posted no parking: 20 spaces at Susan Campbell Park, 2 days on December 14-15, 2013

Location: Susan Campbell Park; seawall at Dock Street; dingy dock area; seawall beside Fawcett's

Dates: Saturday, December 14

Event Time: 9-10 a.m.

Property Use Time: 12:00 p.m. December 12 to 12:00 p.m. December 15

Participants: boat owners with their boats

Attendees: visitors and residents of Annapolis

Admission fee: public, none

Street closures: none

Amplified music: none

Food: none

City Services:

- 1) ADOT: posting of 20 Circulator: normal route; adjusted times possible
- 2) Harbormaster: dockage fee waiver requested

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Zooma Women's Race Series—Applicant

Event: ZOOMA Annapolis Half Marathon and 10K

Council Action: Moratorium on Administrative Approvals (road closure)

Street closures: Route below; in City Dock: Randall Street from Main to Prince George Street

Location: Navy-Marine Corps Stadium

Dates: Saturday, June 1, 2013

Event Time: 7:00 a.m.-10:30 a.m.

Property Use Time: 3:00 a.m.-11 a.m. (end time when roads open up)

Participants: applicant employees, volunteers and runners

Attendees: visitors and residents of Annapolis

Admission fee: \$70-105 to race participants; free to public

Sales: at Stadium only

Posted no parking: none

Amplified music: at Stadium only—pre-recorded music; announcements

Food: served at Stadium only

City Services: full cost paid

- 1) APD: Police route management
- 2) AFD: EMS on site
- 3) DNEP: peddlers permit

RUN ROUTE: below

Detailed Narrative Description

Exit Stadium West Parking lot and turn left onto Farragut Road

Turn left onto Cedar Park Rd.

Turn left onto Taylor Ave.

Turn Right onto Rowe Blvd. (Rt. 70)

Bear Right around East side of Church Circle

Bear Left off Church Circle onto Main St.

Turn Left onto Randall St.

Turn Right onto Dock St. Circle parking area, and turn north on Dock St.

Turn Right onto Randall St.

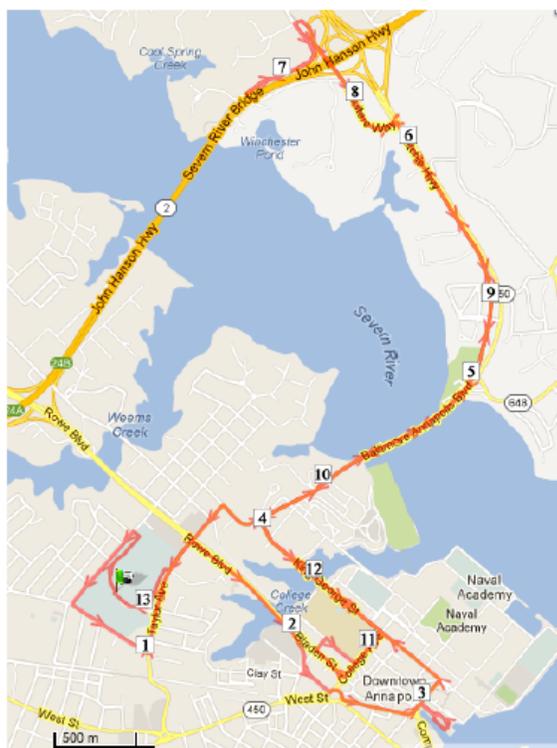
Turn Left onto King George St.

Turn Right onto Rt. 450, cross Naval Academy Bridge

Continue up right hand lane of southbound lanes of Route 450.
Turn left onto Boulters Way (right hand shoulder).
Turn left at Winchester Road. Proceed approx. ½ mile and turn around.
Turn Right onto Boulters Way (left hand shoulder) until Route 450.
Turn right on Route 450 (right hand lane, headed southbound.)
Cross Naval Academy Bridge.
Turn left onto King George St.(left hand lane).
Turn Left on College Ave.
Turn Right on Bladen St. (right hand lane only).
Turn right at Calvert St.
Turn Right at St Johns St.
Turn Left at College Ave.
Turn Left on King George St (left hand lane) to Baltimore Blvd.
Turn left onto Baltimore Blvd. Turn left on Taylor Ave.
Cross Rowe Blvd. and proceed to South Stadium entrance.
Turn Right into West Stadium Parking lot.
Race ends in front of the Stadium banquet facility on the West side.

ZOOMA Annapolis Half Marathon & 10K
Saturday, June 1, 2013

Contact: Brae Blackley, Event Director
brae@zoomarun.com | 202-744-9503



SUMMARY

Course starts and finishes at Navy Stadium.

Start time: 7:00 a.m.
Last runner finishes: 10:30 a.m.
(3.5 hour course time limit)

Course runs around Stadium and east on Rowe Blvd into downtown Annapolis. The last runner will exit downtown Annapolis via King George St. no later than 7:50 a.m.

Course continues in the southbound lane over the Naval Academy Bridge and north on Route 450 to Boulters Way and Winchester Road.

After turning around, the course follows its course south on Route 450 to the Bridge, then, after an out and back on King George St. up to College Ave. (which will already be closed), crosses Rowe Blvd to finish at Navy Stadium. Vehicles traveling east on Rowe Blvd. will detour around the Stadium.

Course has been reviewed and approved by the AAC Police and City of Annapolis Police, who will supply the required number of officers on race day.

Prepared by Michelle LeFurge, Special Events Coordinator at mmlefurge@annapolis.gov and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at JCCowles@annapolis.gov



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 5/9/13

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

The Finance Committee has reviewed R-23-13 and has taken the following action:

Favorable

Favorable with amendments (*attached*)

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Arnett yes

Ald. Pfeiffer yes

Meeting Date 5/9/13

Signature of Chair Sheila M. Finlayson

R-23-13 Finance Committee Amendments

On page one, lines 12-13 delete "waiving docking fees for the Eastport Yacht Club Lights Parade"

On page 2 delete lines 9 through 12

On page 2, lines 16-17 delete "the Semper Fi John Ripley Memorial Race, the Eastport Yacht Club Lights Parade"

On page 2, line 22 delete "CBYRA Annapolis Race Week".

On page 2 delete lines 25 and 26

FISCAL IMPACT NOTE

Legislation No: R-23-13

First Reader Date: 4-22-13

Note Date: 5-1-13

Legislation Title: Special Event Applications -II

Description: For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving City fees for the Eastport Yacht Club Lights Parade; and the reimbursement of full fees to the City for the cost associated with the other approved events.

Analysis of Fiscal Impact:

The following events are included in this legislation

CBYRA – There will be no street closures, no reservation of parking spaces, and normal police and fire service. CYBRA will be required to get a special event exempt peddler's permit for which there is no fee. Issuing an exempt peddler' permit uses minimal City resources and has little fiscal impact.

Mid-Atlantic Plein Air Painters Association – This legislation proposes a waiver of \$299 towards parking passes with the event sponsor paying for additional parking if needed. They will be required to obtain an exempt peddler's license for which there is no fee. Issuing an exempt peddler's permit uses minimal City resources and has little fiscal impact. Normal police and fire services will be available.

Corvette Annapolis - No public parking will be permitted between Susan Campbell Park and Harbormaster Building for which the applicant will reimburse the City for staff time and parking fees. A temporary structure permit and solicitor's permit will be required. Permit fees are developed to cover the cost of the service. The applicant will pay for electricity for the outlets they use.

Semper Fi Fund – Costs associated with closing the race route and EMS services will be reimbursed to the City.

Eastport Yacht Club Lights Parade – This legislation proposes waiver of dockage fees, electricity for boat decorating, and parking spaces for parade participants at Susan Campbell Park, the seawall at Dock Street, the dingy dock area and the seawall beside Fawcett's from noon December 12 through noon December 15. DOT will provide Circulator service with some adjusted times possible. Lost revenues to the City include \$430 for 635 linear feet of dock at winter storage rates, and \$760 for 20 parking spaces. Electricity charges depend on the amp outlet size needed, the number of boats and the size of the boats, and is estimated at \$320. The total lost revenue to the City is estimated at \$2,700 for this event.

Zooma Women's Race Series – Full costs for Police Dept route management, EMS on site, and a peddler's permit will be paid by the applicant.

1 CITY COUNCIL OF THE
2 City of Annapolis

3
4 Resolution No. R-24-13

5 Introduced by: Mayor Cohen and Alderwoman Finlayson
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
5/13/13			8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	5/13/13		

8
9 **A RESOLUTION** concerning

10 **City of Annapolis Natural Hazard Mitigation Plan**

11 **FOR** the purpose of adopting the City of Annapolis Natural Hazard Mitigation Plan, as
12 required by the Federal Emergency Management Agency, to maintain eligibility for
13 disaster funding for large scale emergencies and disasters.

14
15 **WHEREAS,** to support better mitigation planning in order to prepare for and minimize the
16 impacts of disasters in the future, Congress enacted the Disaster Mitigation Act
17 of 2000 (DMA 2000); and

18
19 **WHEREAS,** in 2002, the Federal Emergency Management Agency (FEMA) issued
20 regulations to implement requirements for mitigation planning by states and
21 communities. FEMA is the lead agency supporting implementation of the DMA
22 2000 requirements and makes funds available to support efforts to meet these
23 requirements; and

24
25 **WHEREAS,** to be eligible for FEMA funds, state and local entities were required to prepare
26 DMA 2000 Hazard Mitigation Plans for natural hazards; the City of Annapolis met
27 that requirement in 2005; and

28
29 **WHEREAS,** the purpose of the plan is to assess the communities' vulnerabilities to natural
30 hazards and prepare a long-term strategy to address these hazards and prevent
31 future damage and loss of life of Annapolis city residents; and

32
33 **WHEREAS,** in 2009, the City of Annapolis Natural Hazard Mitigation Plan was updated as
34 reflected by the Plan attached to this Resolution. The update was the outcome of
35 participation from state, county and municipal officials; residents; business
36 owners; and other agencies.
37

1 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City of
2 Annapolis Natural Hazard Mitigation Plan, as attached, is approved.
3

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7

ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

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

Policy Report

R-24-13

City of Annapolis Natural Hazards Mitigation Plan

The proposed resolution would adopt the City of Annapolis Natural Hazard Mitigation Plan, as required by the Federal Emergency Management Agency, to maintain eligibility for disaster funding for large scale emergencies and disasters.

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



ANNAPOLIS, MARYLAND

NATURAL HAZARD MITIGATION PLAN UPDATE

2012

The information and conclusions contained in this report are intended for use by government officials in emergency preparedness and mitigation planning activities only. They should not be applied in any other context or for any other purpose. They are not intended for use by non-government entities. Anyone seeking to use the information contained in this report is advised to contact the City of Annapolis Office of Emergency Management beforehand for guidance and technical assistance.

This report was drafted by:
The City of Annapolis Office of Emergency Management
Capuco Consulting Services, Inc.

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Glossary of Acronyms

AQI -- Air Quality Index
BGE -- Baltimore Gas and Electric
CBRNE -- Chemical/Biological/Radiological/Nuclear/& Explosive Incidents
CCTV -- Closed-Circuit Television
CIP -- Capital Improvements Program
DEP -- Department of Economic Planning
DMA 2000 --. Disaster Mitigation Act of 2000
DNEP -- Department of Neighborhood and Environmental Programs
DNR -- Department of Natural Resources
DPW -- City of Annapolis, Department of Public Works
DPZ -- Department of Planning and Zoning
EAP -- Emergency Action Plan
E911 -- Enhanced 911 Capability
FAA -- Federal Aviation Administration
FEMA -- Federal Emergency Management Agency
FIRM -- FEMA Insurance Rate Map.
HACA -- Housing Authority of the City of Annapolis
HAZUS -- Hazards United States
LEPC --Local Emergency Planning Commission and Local Fire Departments.
MDE -- Maryland Department of the Environment
MEMA -- Maryland Emergency Management Agency
MLT -- Multi-Hazard
MNRP -- Maryland's Natural Resources Police
NFIP -- National Flood Insurance Program
NOAA -- National Oceanic and Aeronautical Administration
NCDC - NOAA's National Climate Data Center
NHC -- National Hurricane Center
NWS -- National Weather Service
OEM -- Office of Emergency Management
RDD -- Radiological Dispersion Devices
SERC -- State Emergency Response Commission
USEPA -- U S Environmental Protection Agency
VHF -- High Frequency Radio

1.0 INTRODUCTION

To support better mitigation planning in order to prepare for and minimize the impacts of disasters in the future, Congress enacted the Disaster Mitigation Act of 2000 (DMA 2000). In 2002, the Federal Emergency Management Agency (FEMA) issued regulations to implement requirements for mitigation planning by states and communities. FEMA is the lead agency supporting implementation of the DMA 2000 requirements and will make funds available to support efforts to meet these requirements.

To be eligible for FEMA funds, state and local entities were required to prepare DMA 2000 Hazard Mitigation Plans for natural hazards. The City of Annapolis met that requirement in 2005. The purpose of the plan is to assess the communities' vulnerabilities to natural hazards, man-made and terrorism hazards, and prepare a long-term strategy to address these hazards and prevent future damage and loss of life of Annapolis city residents. In 2009, an update was made to the Annapolis Hazard Mitigation Plan. The update was the outcome of participation from state, county and municipal officials; residents; business owners; and other agencies. This plan is a living document and will be updated accordingly as additional information becomes available.

1.1 Specific Jurisdictions Represented in this Plan

Multiple agencies have assets in The City of Annapolis. This plan applies only to the City of Annapolis assets. Mitigation plans have been prepared by Anne Arundel County, the State of Maryland, St. John's College, and the U.S. Naval Academy. All of these jurisdictions share responsibility in mitigating risks to their assets within the City of Annapolis.

2.0 PLANNING PROCESS

In compliance with DMA 2000 requirements, public participation was sought and encouraged throughout the mitigation planning process. In 2004, a Hazard Mitigation Planning Committee was formed that was comprised of various City of Annapolis staff, Anne Arundel County and State of Maryland staff, and representatives from the US Naval Academy. A series of regular committee meetings resulted in the development of a coordinated effort by the City of Annapolis, Anne Arundel County and State of Maryland for the 2005 *Annapolis Hazard Mitigation Plan*. The public involvement elements of the planning process were addressed through a series of working sessions, public hearings, and review and comment periods. Ultimately, the plan was adopted by the Annapolis City Council. Additional information on man-made hazards and flood mitigation were added to the plan in 2006 and 2007.

An essential element of the first *Annapolis Hazard Mitigation Plan* had been the inclusion of considerations for hazard mitigation in development of all City of Annapolis planning processes. In fact, the Office of Emergency Management (OEM) was formed as a part of the initial hazard mitigation planning process which had been initially led by the Annapolis Planning Department. OEM led mitigation plan additions in 2006 and 2007. OEM participation in weekly department head meetings since its formation has led to incorporation of hazard mitigation elements in all new plans and programs in the City of Annapolis since 2006.

Planning began for the preparation of the updated *Annapolis Hazard Mitigation Plan* in the summer of 2008. A series of meetings were held with OEM, MEMA, a variety of consultants, and multiple City of Annapolis departments. In 2009, the consultant began revisions to the document under the direction of OEM and the Department of Neighborhood and Environmental Programs (DNEP). During the update, the following changes were made to the *Annapolis Hazard Mitigation Plan*

2007 Plan Section	2012 Plan Update Section
I Introduction	1 Introduction
II. Overview	3 City of Annapolis Profile
2.1 Population Demographics	3.1 Population Demographics
2.2 Housing Demographics	3.2 Housing Demographics
2.3 Economic Demographics	3.3 Economic Demographics
2.4 Critical Facilities and other Essential Services within The City of Annapolis	3.4 Critical Facilities and other Essential Services within The City of Annapolis
III How This Plan Was Developed	2 Planning Process
3.1 Planning Committee Formation	2.1 Planning Committee Formation
3.2 Public Involvement	2.2 Public Involvement
3.3 Agency Review	2.3 Agency Review
IV Hazard Identification	4.1.1 Hazard Identification (under a new chapter 4 titled Risk Assessment subsection Hazard Profile)
V Hazard Assessment	4 Risk Assessment
5.1 Data Gaps	4.1.2 Data Gaps
5.2 Hazards to the City of Annapolis	4.1.1 Hazard Identification
5.2.1 Natural Hazards	4.1.3 Natural Hazards
5.2.1.1 Extreme Heat	4.1.3.1 Extreme Heat
5.2.1.2 Flash Flooding	4.1.3.2 Flooding
5.2.1.3 Coastal/Tidal Flooding	4.1.3.2 Flooding 4.1.3.7 Nor'Easter
5.2.1.4 Hurricane	4.1.3.3 Hurricane

5.2.1.5 Thunderstorm or Tornado	4.1.3.4 Severe Thunderstorm 4.1.3.5 Tornado
5.2.1.6 Severe Winter Weather	4.1.3.6 Severe Winter Weather 4.1.3.8 Freezing Rain and Ice
5.2.1.7 Fire and Explosion	Removed
5.2.2 Intentional Acts	Removed
5.2.1 Accepted Definitions of Terrorisms	Removed
5.2.2.1 Domestic Terrorism	Removed
5.2.2.2 International	Removed
5.2.2.2 Conventional Bomb	Removed
5.2.2.3 Chemical/Biological/Radiological/Nuclear/& Explosive Incidents (CBRNE)	Removed
5.2.2.4 Cyber Terrorism	Removed
5.2.2.5 Civil Unrest	Removed
5.2.2.6 Arson	Removed
5.2.3 Accidental Events	Removed
5.2.3.1 Air Pollution	Removed
5.2.3.2 Building, Dwelling or Vessel Fires	Removed
5.2.3.3 Communication Failure	Removed
5.2.3.4 Critical Fuel Storage	Removed
5.2.3.5 Groundwater Contamination	Removed
5.2.3.6 Hazardous Materials Incident (Fixed Facility)	Removed
5.2.3.7 Mass Transportation Accident	Removed
5.2.3.7.1 Air Accidents	Removed
5.2.3.7.2 Vehicle Accidents	Removed
5.2.3.7.3 Watercraft Accidents	Removed
5.2.3.8 Pipeline Failure	Removed
5.2.3.9 Public Health Emergency	Removed
5.2.3.10 Electrical Disruption	Removed
VI Asset Identification	4.2 Vulnerability Assessment
VII Loss Estimation	4.3 Process for Estimating Losses
VIII Mitigation Strategy	5 Mitigation Strategy
IX Plan Maintenance	6 Plan Maintenance
Appendix A – Flood Mitigation Plan	5.3.2 Flooding

2.1 Planning Committee Involvement

In 2004, a multi-agency planning committee was actively involved in identifying and discussing assets and hazards within the City of Annapolis. Discussion and debate were held on the City of Annapolis vulnerabilities to natural hazards and recommendations were generated on how to reduce and prevent potential damage from these hazards. The same organizations were involved with the plan update.

At the direction of planning committee members, the consultant began the update process by reviewing all relevant city plans completed since the initial *Annapolis Hazard Mitigation Plan* was prepared. Plans reviewed included:

- Local Comprehensive Plan

- Sustainability Plan
- Capital Improvements Plan
- Evacuation Plan
- Historic Preservation Plan
- Transportation Improvement/Retrofit Program
- Mutual Aid Agreement

Most of these plans are available on the City of Annapolis website at www.annapolis.gov. Upon completion of a draft updated *Annapolis Hazard Mitigation Plan*, review and comment were sought from the Planning Committee membership. Organizations represented on the Planning Committee include:

- City of Annapolis Fire Department
- Anne Arundel County Police
- City of Annapolis Planning and Zoning Department
- City of Annapolis Department of Neighborhood & Environmental Programs
- City of Annapolis Department of Public Works
- City of Annapolis Police Department
- City of Annapolis Office of Emergency Management
- City of Annapolis Harbormaster
- Maryland Emergency Management Agency
- Federal Emergency Management Agency

The Planning Committee members reviewed the Plan and presented their comments at the Committee's April 19, 2012 meeting. The Plan was subsequently updated to in response to the members' feedback.

2.2 Public Involvement

Public involvement with hazard mitigation planning has been a part of all planning activities in the City of Annapolis since 2006. Public involvement has been conducted in the development of the following plans:

- Local Comprehensive Plan
- Sustainability Plan
- Capital Improvements Plan
- Evacuation Plan
- Historic Preservation Plan
- Transportation Improvement/Retrofit Program
- Mutual Aid Agreement

As in 2004 and 2005, the public involvement specific to the update of the *Annapolis Hazard Mitigation Plan*, was addressed through a series of working sessions, public hearings, and review and comment periods on the plan update. The vehicles used were two of Annapolis' public commissions – Planning and Environmental. Both commissions have representatives appointed by City Council members

representing each Council District. Both have regularly scheduled, publicized and well attended monthly meetings. The Planning Committee believed that seeking comment through the Commissions would be the best way to obtain informed comment on the document.

The first public meeting on the plan update was held June 3, 2010 during a regularly scheduled Planning Commission meeting. The plan was publicized as an agenda item in the public notice of the meeting on the City of Annapolis web site and in the local newspaper. The Commission provided comments, reviewed and approved the following goals:

- Goal 1.0 – Continued operation and continuity of government
- Goal 2.0 – Minimize effects each of the hazards identified for Annapolis
- Goal 3.0 -- Create awareness among residents of these potential hazards and how they can protect themselves and their properties from damaging events
- Goal 4.0 -- Protect existing community assets in the City of Annapolis from damage caused by these hazards
- Goal 5.0 – Protect the Chesapeake Bay tributaries surrounding City of Annapolis to the maximum extent practicable
- Goal 6.0 -- Ensure hazard mitigation goals are consistent with goals and objectives of other plans in Annapolis and Anne Arundel County

The second public hearing on the plan update was held on July 16, 2012 during a Public Safety Committee meeting of the Annapolis City Council. The meeting was advertised in press releases, on the City Council agenda, and on the Office of Emergency Management website. At the meeting, staff from the Office of Emergency Management reviewed details of the plan update and responded to public questions and comments.

A public comment period on the plan update was held from July 16-30, 2012; whereby the plan was posted on the City of Annapolis web site and the library held copies for review. Based on comments received during that public comment period, and from MEMA and FEMA, a final plan was provided to the Annapolis City Council for adoption.

2.3 Agency Review

The Maryland Emergency Management Agency (MEMA) will serve as the State of Maryland review agency and clearinghouse. The following agencies will also receive a draft of the plan for review and comment once the City of Annapolis has adopted the Plan:

- Federal Emergency Management Agency (FEMA), Region III
- Maryland Department of Natural Resources (DNR)
- Maryland Department of the Environment (MDE)

3.0 CITY OF ANNAPOLIS PROFILE

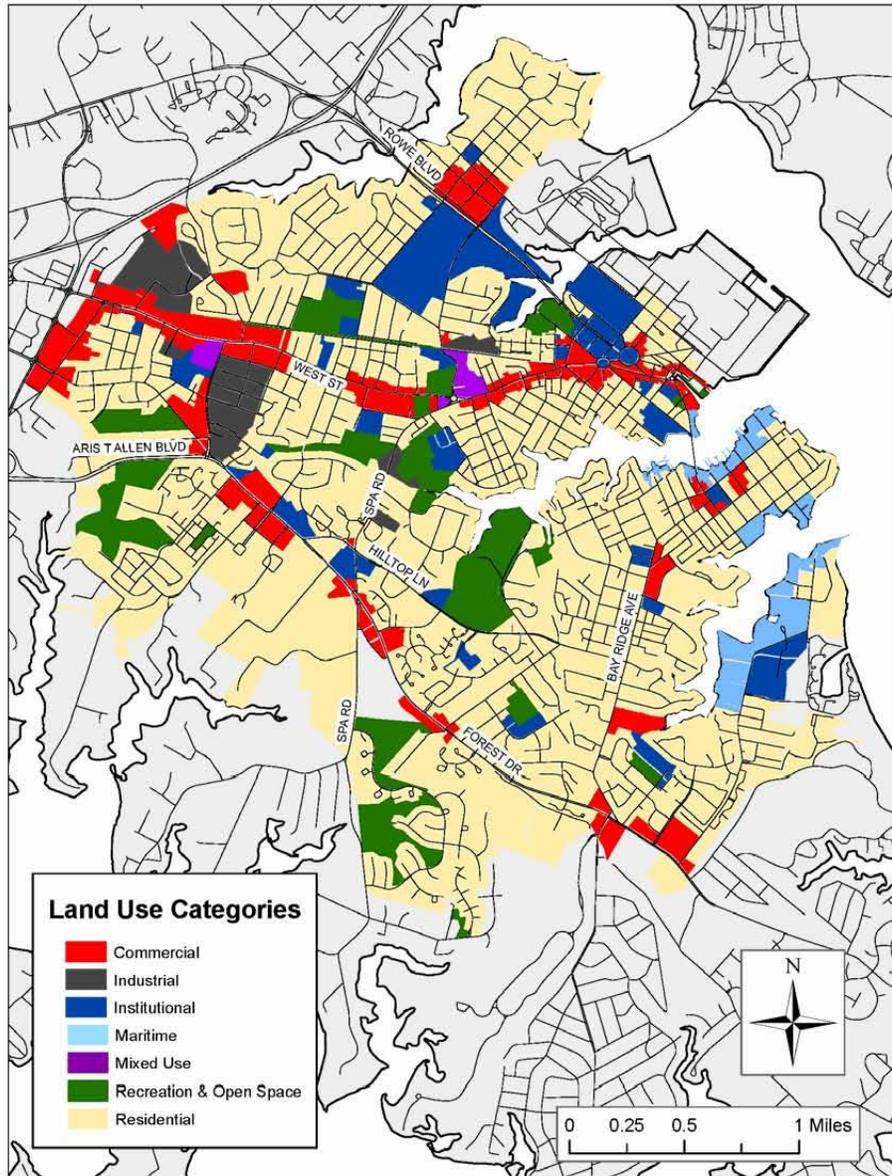
As characterized by the Annapolis *Hazard Identification and Risk Assessment* of 2002, The City of Annapolis is located in Anne Arundel County, MD on a peninsula between two tributaries of the Chesapeake Bay, the Severn and South Rivers. Historically, the City of Annapolis functioned as a port City, state capital, and freestanding center for a predominantly agricultural region. In recent decades, the City of Annapolis has been increasingly affected by its location within the commuter sheds of the metropolitan areas of Baltimore to the north and Washington, DC to the west.



Because of this location, increasing numbers of residents choose to live in the City of Annapolis or the adjacent Anne Arundel County and commute to jobs in the Baltimore or Washington region. Completion of a series of highway improvements in recent years, including widening of US Route 50/301 and construction of Interstate 97 and Aris T. Allen Boulevard (Route 665) have reduced travel times to these metropolitan areas and helped spur development in Anne Arundel County. With the exception of relatively recently annexed areas along Forest Drive, the City of Annapolis has experienced less development than Anne Arundel County because of the lack of vacant land.

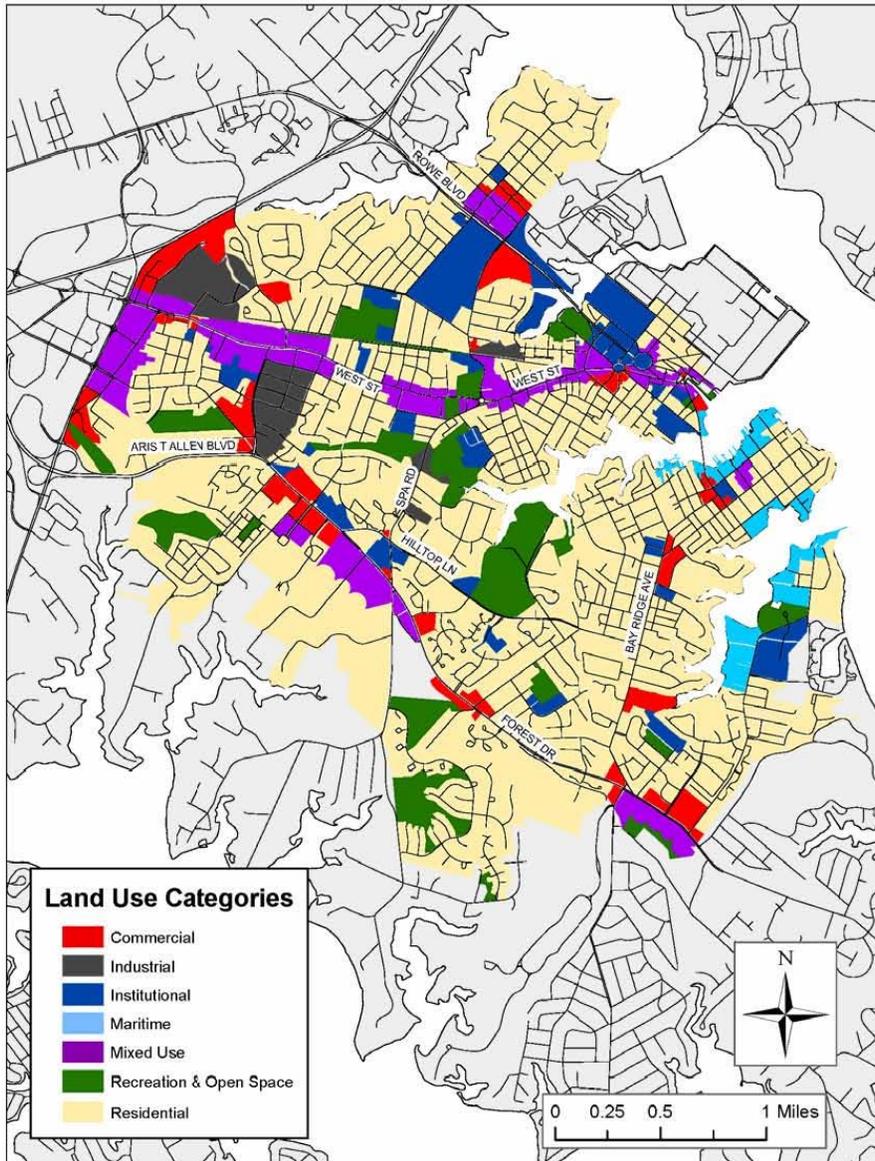
The geographic context of the City of Annapolis can best be characterized as a cul-de-sac, due to the City of Annapolis' location on a peninsula surrounded on three sides by water. Rowe Boulevard and other local arterials provide access to the regional highway system to the northwest of the City of Annapolis, which converges at Parole.

Figure 3-1 Present Land Use



Source: City of Annapolis Comprehensive Plan (2009)

Figure 3-2 Future Land Use



Source: City of Annapolis Comprehensive Plan (2009)

3.1 Population Demographics

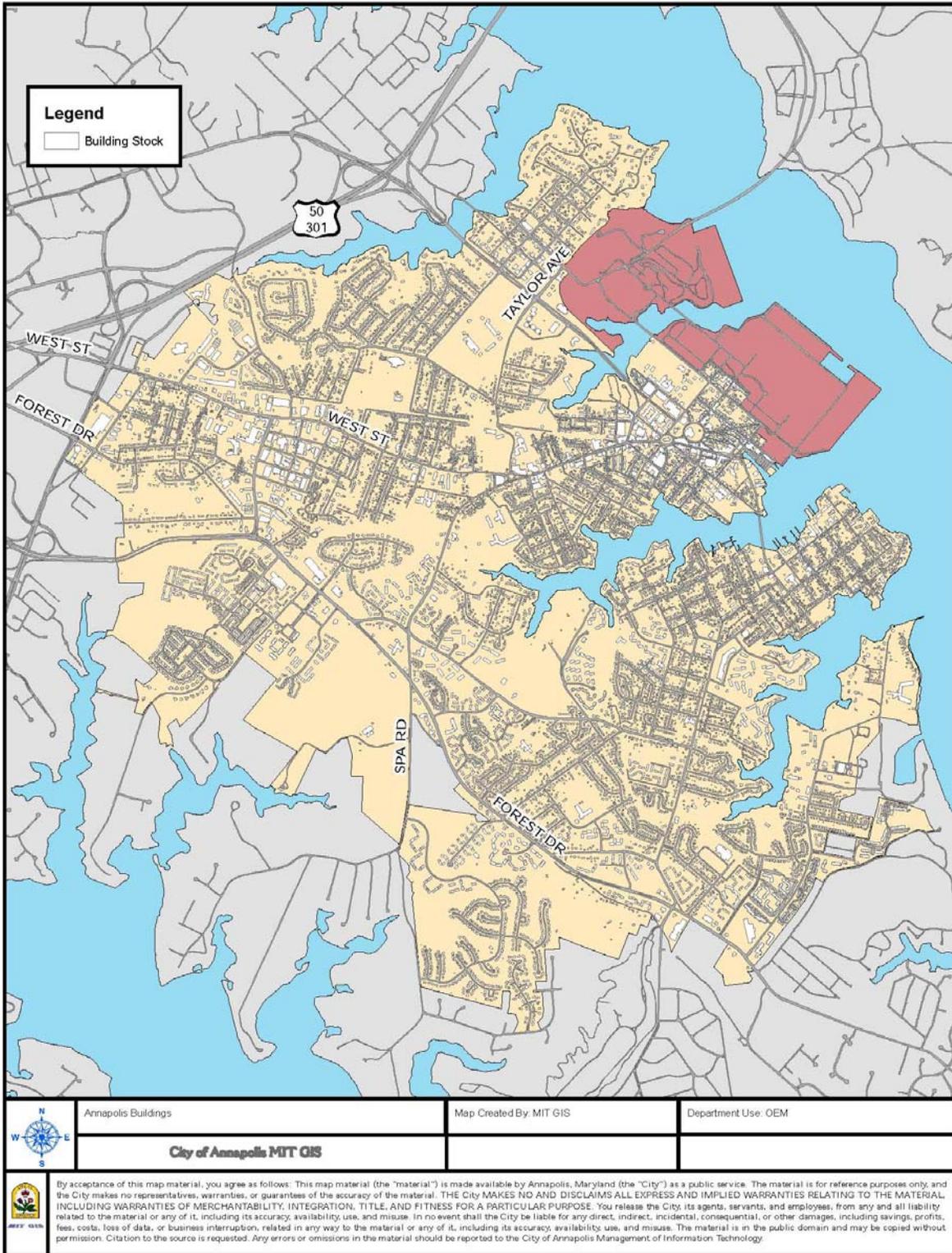
The City of Annapolis population was estimated at 38,394 in 2010, an increase of approximately 7.1% from the 2000 population of 35,838. Since much of the City of Annapolis is developed, the population of the City of Annapolis is projected to continue growing at a modest pace for the foreseeable future. In addition, the City of Annapolis derives significant economic benefit from a healthy tourism industry, the state capital, and the presence of two colleges within the City of Annapolis' limit. On certain days during any year, the City of Annapolis population may swell by an additional 10,000 to 50,000 people.

The City of Annapolis demographics indicate that the City of Annapolis is widely diverse in many aspects. Based on 2010 demographic profile data, the City of Annapolis population has a median age of 36.0 years old. The population is approximately 60% Caucasian and 37% identified themselves as minorities. The largest minority groups include African Americans at 26% and Latinos at 16.8%. It is conceivable that an unmeasured number of undocumented individuals reside in the City of Annapolis, a population that receives City of Annapolis services and benefits from infrastructure, but may not be accounted for in quantitative analyses presented in this plan.

3.2 Housing Demographics

The 2010 Census determined that there are 17,845 housing units in the City of Annapolis. Approximately 89% of the housing units were occupied at the time of the Census. In the City of Annapolis, the vacancy rate of homeowner units is 3.8%, and the vacancy rate for rental units is 7.3%. Fifty-four and one half percent (54.5%) of the housing stock is owner occupied and 45.5% is rental occupied. One of the unique features of the City of Annapolis that will play an important role in the education of the public on loss prevention is the location of a substantial number of public housing units within the City of Annapolis. Further, to support the tourism and secondary learning industries described above, the City of Annapolis has several pockets of large hotel space and student dormitories. Both of these housing features will also need to be addressed in mitigation plans.

Figure 3-3 Building Stock



3.3 Economic Demographics

The City of Annapolis income profile, from the 2010 Census, is as follows:

Median Income of Households:	\$70,229
Per capita income:	\$41,124

According to the Census, the median value of owner-occupied housing units is \$425,100. The City of Annapolis is also a vibrant business community with county, state and federal government offices. Approximately 18,500 people work in the City of Annapolis – excluding those who work in education or public administration.

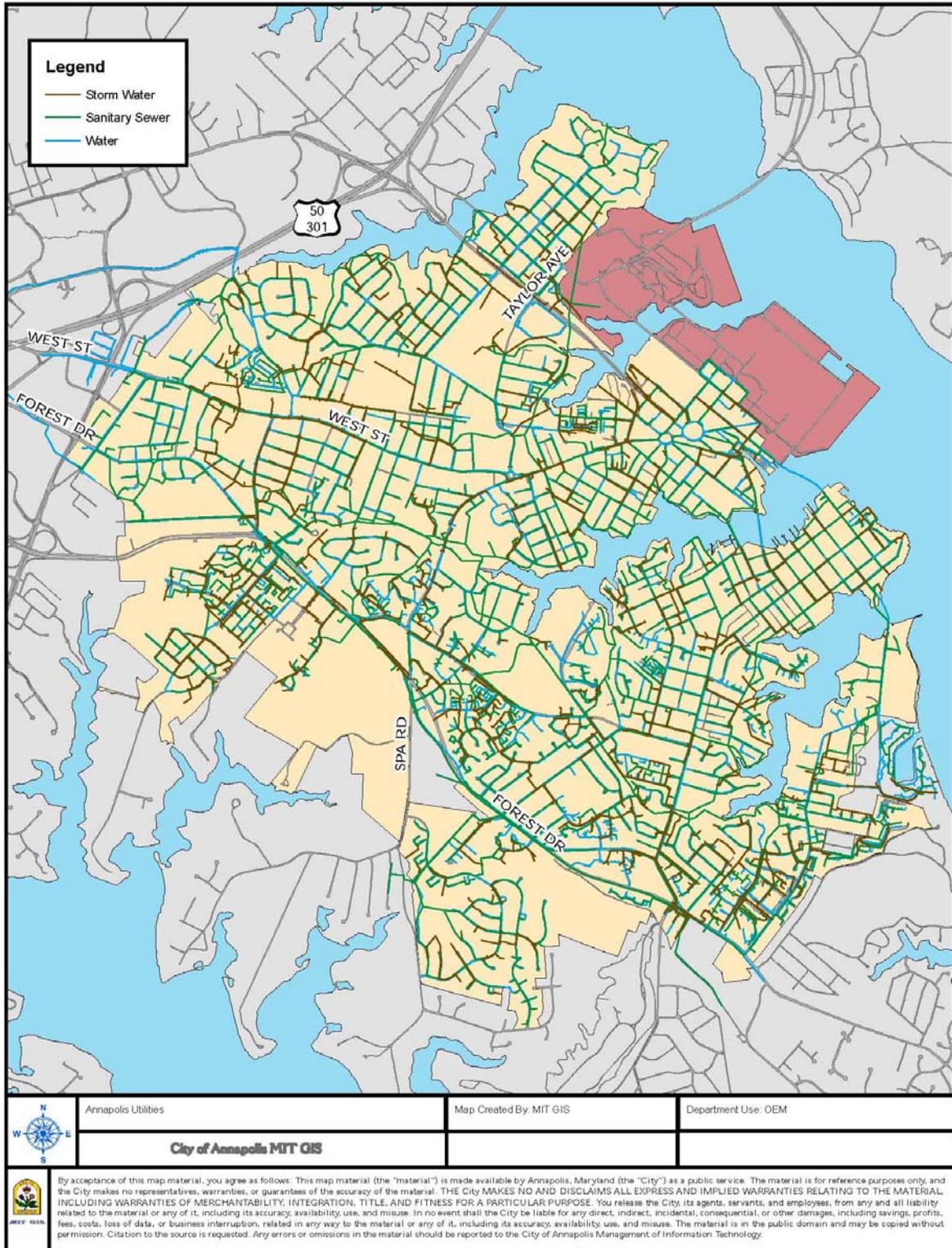
3.4 Critical Facilities and Other Essential Services within Annapolis City Limits

The City of Annapolis provides essential services such as water, fire and police to its residents. Much of this is conducted in close coordination with Anne Arundel County.

Public utilities serving the City of Annapolis include water, sanitary sewer, storm water drainage, and solid waste. The City of Annapolis manages these utilities with exception of the wastewater treatment facility, which is the responsibility of Anne Arundel County Department of Public Works.

The City of Annapolis is served by a municipal police force consisting of 116 sworn officers and 67 civilian personnel. The City of Annapolis is divided into seven (7) areas for patrol by car and downtown area is divided into sections for foot patrol. The Fire Department is served by a municipal fire and rescue force of approximately 128 firefighters, 6 of whom are civilian personnel. The Annapolis Fire Department provides fire and disaster protection, emergency health care, rescue, and related services for the City of Annapolis as well as adjacent parts of Anne Arundel County.

Figure 3-4 Annapolis Utilities



4.0 RISK ASSESSMENT

This chapter contains the hazard profile, loss estimates, and vulnerability assessment, as well as detailed information about each natural hazard.

4.1. Hazard Profile

To adequately assess the risk of those hazards selected, the previously prepared *Hazard Identification and Risk Assessment for Natural Hazards* was used as the primary reference. That research was conducted recently enough to be considered accurate. Where appropriate, information was updated in reliance on the Annapolis Watershed Management Plan, the Annapolis Flood Mitigation Plan, and the draft updated Anne Arundel County Hazard Mitigation Plan. The assessment was reviewed and approved by the City of Annapolis government.

4.1.1. Hazard Identification

The City of Annapolis is at risk from a broad range of natural hazards. Below is a list of natural hazards that are known to threaten the United States:

<u>Natural Hazards With the Potential To Affect Annapolis</u>	<u>Natural Hazards Not Considered Based on Low Probability of Impact in Annapolis</u>
<ul style="list-style-type: none"> • Coastal Storm • Coastal Erosion • Drought • Earthquake • Extreme Heat • Flood <ul style="list-style-type: none"> ○ Coastal/Tidal Flooding ○ Rainfall Generated ○ Flash Flooding • Freezing Rain/Icing • Heavy Snowfall • Severe Winter Storm • Windstorm <ul style="list-style-type: none"> ○ Hurricane ○ Tornado ○ Severe Thunderstorms or Tornado ○ Frontal Passage 	<ul style="list-style-type: none"> • Avalanche • Expansive Soils • Land Subsidence • Landslide • Tsunami • Volcano

Many of those natural hazards can only occur in areas with certain geographic features. To focus mitigation resources to the maximum extent possible, the City of Annapolis eliminated from its planning process:

1. Hazards unlikely to occur within the City of Annapolis

2. Hazards unlikely to cause significant economic damage to the City of Annapolis and its residents.

Other highly unlikely hazardous events are addressed by Anne Arundel County and the State of Maryland planning processes. This document focuses on mitigation plans for damages from hazards that might reasonably be expected to impact the City of Annapolis – not necessarily all those hazards that could affect the City of Annapolis. For a more thorough description of all hazards, see the Anne Arundel County Hazard Mitigation Plan Update (2010).

4.1.2.Data Gaps

A noticeable data gap in the risk assessment concerns the transitory nature of the City of Annapolis population. As described in Section 3, the City of Annapolis is home to State of Maryland offices, including the State Legislature; Anne Arundel County offices; St. John's College; the U.S. Naval Academy; Annapolis City government offices; retail establishments; commercial services for boating; and hospitality/tourism. Each of these factors puts greater numbers of individuals at risk from hazards at different times during the year. (For example, Navy football games during hurricane season). All of these considerations are addressed in the mitigation plans described in Section 5 of this document.

4.1.3.Natural Hazards

According to NOAA's National Climate Data Center (NCDC) database, from 1950-2011, Anne Arundel County experienced 60 flood events, 2 hurricanes, 3 tropical storms, 19 tornadoes, 41 thunderstorm and high wind events, 41 lightning events, and 56 hail storms. Many of these events caused property damage, injuries, and deaths.

Below is selected information on a variety of natural hazards: It has been developed in reliance on other documents prepared for the City of Annapolis, and information made publicly available by the Federal Emergency Management Agency (FEMA). This information was the basis of the valuation of damage from multiple events in the City of Annapolis. Guidance requires each hazard's location, extent, probability, and past events to be stated. It can be assumed that the probability of occurrence for most hazards (except flooding) is the same probability as in Anne Arundel County and that the location (other than flooding) would be within the boundaries of The City of Annapolis.

4.1.3.1. Extreme Heat

Episodes of extreme heat typically are characterized by high temperature and high humidity. Extreme heat can cause water shortages, fire hazards, excessive energy demands and damage to infrastructure.

Location: When the air temperature is above 90 degrees F and the relative humidity is high, the body is under great stress to maintain its normal temperature. When this situation occurs, heat exhaustion can result followed by heat stroke. Prolonged temperatures near 100 degrees during the day with little cooling at night have caused distress among at-risk populations in the City of Annapolis who do not live in air-conditioned housing.

Extent: The climate in the City of Annapolis is considered temperate and rarely do extreme weather impacts cause significant disruption within the City of Annapolis. With its temperate climate, these variations rarely cause significant disruption in the City of Annapolis. The potential for extreme heat events is uniform for all of Anne Arundel County. All people and assets are considered to have the same degree of exposure.

Probability: The City of Annapolis' average monthly temperatures and precipitation are moderate in severity, with average precipitation well distributed throughout the year. Only approximately 2% of the time does the maximum temperature rise 10 degrees above normal and 1% of the time does the maximum temperature rise 15 degrees above normal.

Past Events: For the 2012 Plan update, data from the NCDC database was used to identify past extreme heat events for Anne Arundel County. This data indicated that between 1950 and 2011, there were 21 extreme heat events that affected Anne Arundel County. These events occurred between 1995 and 2008. The database provides no indication as to why there are no events prior to 1995, although presumably occurrences follow the same pattern and frequency as shown in the NCDC list.

4.1.3.2. Flooding

Authorized under Section 553 of the National Flood Insurance Reform Act of 1994, the Flood Mitigation Assistance Program supports local governments in funding cost-effective actions that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other insurable structures, as well as reduce or eliminate claims under the National Flood Insurance Program (NFIP) through mitigation efforts.

The City of Annapolis is surrounded by water on three sides, making it susceptible to flooding associated with meteorological events. Therefore a flood mitigation plan is crucial to the well being of the city's residents, business owners and government.

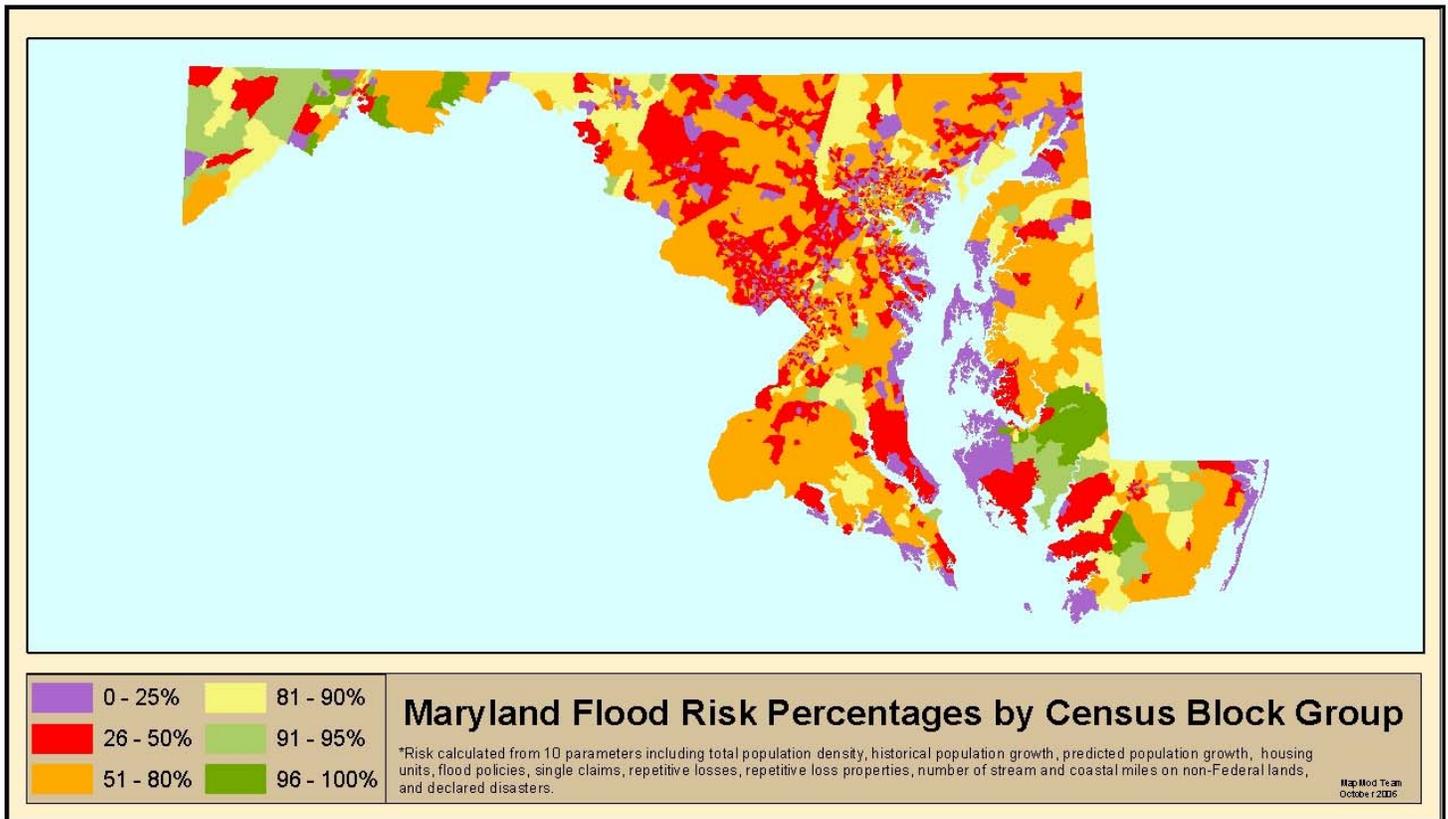
As defined by NFIP guidelines, a flood is "a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source." The term "flood stage" refers to the level at which waters begin to rise above riverbanks – it does not account for tidal influence. High water is generally not considered to be a problem until it begins to adversely affect people or their property. There are three general classifications of flooding:

- Nontidal Flooding - flooding from rivers, streams, etc. with gravity flow downstream
- Tidal Flooding - flooding by slowing rising water from tides and storm surges

- Coastal High Hazard Flooding - flooding from static tidal flooding with the addition of waves of at least three feet

In a 100-year floodplain, there is a one percent chance of flooding each year but floods may occur more frequently than once a century. Regulated by local floodplain ordinances adopted by communities that are in the NFIP, only the outer edge of the 100-year floodplain has that one percent risk. The risk rises for sites closer to the flooding source and at lower elevations. Areas within the mapped 100-year floodplain may flood more frequently and to greater depths than others, and a floodplain line shown on a map is not absolute. The flood map modernization efforts for the State of Maryland have resulted in the generation of Figure 4-1 below, depicting risk from flood by census block. Note that FEMA is currently revising the 100-year floodplain. It will be included in the next Mitigation Update after it is finalized.

Figure 4-1



4.1.3.2.1. Description of the Existing Flood Hazard

From the first recorded flood on May 11, 1860 in Baltimore City to the devastating floods caused by the tidal surge of Hurricane Isabel in September 2003, Maryland has been subject to its share of major flooding events. The state is prone to three types of flooding: nontidal flooding (flooding in the non-tidal portion of rivers and streams), tidal flooding (flooding from tides and storm surges), and coastal high-hazard flooding (the addition of wave action to tidal flooding).

As sea level rise has become an issue studied by the Maryland Department of Natural Resources (DNR) and the US Environmental Protection Agency (USEPA), it seems appropriate to note that the change in sea level in Annapolis has increased by .22 feet in the last epoch (19 year spans). However, the Federal Government (US EPA) has generated the graphics presented below that indicate a possible change in flood scenarios due to impending sea level changes. Consequently, changing global conditions may add a fourth type of flood risk in the City of Annapolis necessitating implementation of mitigation measures (Figures 4-2 and 4-3).

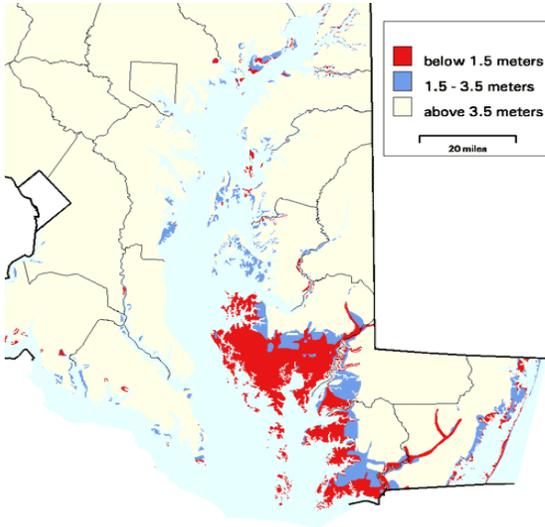


Figure 4-2

Land areas to be impacted by sea level rise in three categories – red if sea level rise is less than 1.5 meters, blue if between 1.5 and 3.5 meters and yellow if over 3.5 meters. (US EPA)

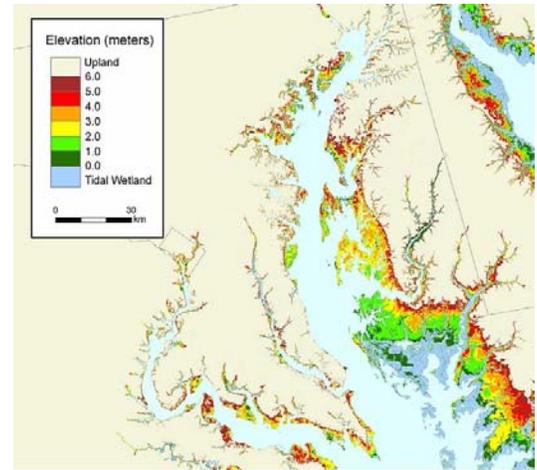


Figure 4-3

Projected elevation in sea level as a result of global warming. Recorded in meters (US EPA)

Since it is regulated by local flood ordinances adopted by communities in the NFIP, the 100-year floodplain – which has a one percent chance of flooding in any given year -- receives the most attention with regard to flood mitigation. In the City of Annapolis, the 100-year floodplain lies at the seven-foot elevation. Rarely have floodwaters in the City of Annapolis reached that level.

Below is a list of the significant flooding events in Annapolis as identified by the Maryland Department of the Environment and the City of Annapolis Department of Planning and Zoning:

1954

October 14-16 -- Hurricane Hazel dumped heavy rains on North Branch of the Potomac River, causing flooding from Cumberland to Washington DC. Winds of over 100 mph were reported on Eastern Shore. The tide elevation in Annapolis was 5.34’.

1955

August -- Hurricanes Diane and Connie, which arrived a week apart, produced a high tide of 4.81’.

1972

June 21-24 -- Hurricane Agnes, the worst non-tidal flood in 36 years and regarded as the 100-year flood in many places, flooded many parts of the state. The tide elevation in Annapolis was 3.04’.

1974

December 1 -- Storms and tidal surges caused damage statewide, especially on the Western Shore of the Bay. The tide elevation in Annapolis was 4.10.

1979

Sept. 5-6 -- Hurricane David floods Rock Creek, Jones Falls, and East Branch Herbert Run. The recurrence interval was 50 - to more than 100-year. The tide elevation in Annapolis was 4.46'.

March 28-29 -- Statewide flooding and intense coastal erosion, especially along lower Chesapeake Bay, caused two deaths.

1985

Nov. 4-7 -- Hurricane Juan, combined with stationary front, caused flooding statewide, especially in the Potomac River basin. One death and \$5 million in nontidal and \$16 million in tidal damages were recorded. The recurrence interval was 2 - to more than 100-year. High tide in Annapolis was 4.5'.

1991

October 31 --- Halloween flooding event for the costume party at the bars---Annapolis tide reached 3.6' resulting in patrons building sand bag bridges from bar to bar at dock space.

1996

Sept. 6 -- Remnants of Hurricane Fran triggered widespread flooding in Western Maryland, especially George's Creek, causing \$1.7 million in damages. In Annapolis, tides reached 5'.

1999

Sept. 16 -- Hurricane Floyd produced widespread flooding on Eastern Shore, especially in northern portions. Damages were calculated at \$14 million, and some places saw greater than 500-year flood. In Annapolis, tides were very close to the predicted astronomical tide and did not exceed 1.5'.

2003

Sept. 18-19 -- The remnants of Hurricane Isabel caused widespread tidal surge flooding, especially in the middle portion of the Bay. High tide in Annapolis was 7.35', which is considered greater than the 100-year flood event. See Figure 4-4.

2005

October 8 – Remnants of Tropical Storm Tammy caused widespread storms and resulting flooding.

2006

June 27, - Double digit rainfall resulting from a four-day cold front produced flash flood in Annapolis caused approximately \$30,000 in property damage.

2008

May 12, 2008, wide spread showers and thunderstorms produced a flood that caused \$100,000 in property damage in Annapolis.

Although there were significantly more storms during the past 150 years, the events of concern here are those that produced flooding. The City of Annapolis Department of Public Works, relying on NOAA data to measure hourly water-level height at the United States Naval Academy, identified only one event in the past six years that had resulted in water levels greater than the four-foot elevation line. That was Hurricane Isabel, a greater than 100-year flood. Therefore the committee determined that the four-foot elevation line would be selected as the mitigation elevation.

Figure 4-4. Flooding in downtown Annapolis, September 19, 2003 (source: Annapolis.gov)



4.1.3.3. Hurricane

Tropical cyclones are among the most powerful and destructive meteorological systems on earth. In addition to very high winds, they are

accompanied by a variety of destructive phenomena including heavy rain, lightning, tornadoes, and storm surge. They are identified in three categories: tropical depressions, tropical storms, and hurricanes.

Hurricanes are defined as tropical cyclones with maximum sustained surface wind speed exceeding 74 mph. For coastal areas, the storm surge caused by a hurricane typically is the most dangerous and damaging phenomenon. It is defined as an abnormal local rise in sea level that accompanies a tropical cyclone. The end result is that water is pushed onto a coastline (as described in flooding above). The most notable storm surge in recent City of Annapolis history was that caused by Hurricane Isabel in September 2003.

Probability: Because of its location, hurricanes and their effects are relatively rare in the Chesapeake Bay. On any given year there is an approximately 20% chance of a tropical cyclone (greater than or equal to 39 mph sustained) passing within 75 miles of the City of Annapolis, and only an approximately 3% chance of a hurricane passing within 75 miles of the City of Annapolis.

Location: Tropical cyclones have the potential to pass both to the west and to the east of the City of Annapolis and the Chesapeake Bay. The most dangerous storms for City of Annapolis are those that pass very close to the west with southeasterly winds that cause storm surges up the Severn River. The majority of storms affecting the City of Annapolis, however, approach from the southwest and pass to the east.

For the purposes of this plan, any tropical cyclone approaching within 180 nautical miles of the City of Annapolis is considered a potential threat. This is because the City of Annapolis would have to respond to such a threat by activating its Emergency Plan.

Extent: The tropical cyclone season for the City of Annapolis area lasts from early June to the beginning of November. The highest rate of occurrence is from the beginning of August to late October.

Previous Occurrences: Historically, all hurricanes affecting the City of Annapolis have occurred in this interval. The 87 tropical storms and hurricanes have passed within 180 miles of City of Annapolis over 115 years (1886-1999). Of the 87 total storms passing the City of Annapolis, 26 were of hurricane strength at their closest point. In some years, no tropical cyclones pass within 180 of the City of Annapolis while in other years up to five have passed by the City of Annapolis. Most storms pass the City of Annapolis (near 39°N) after recurvature. The Eastern Shore of Maryland provides enough natural protection, combined with the limited size of the Chesapeake Bay, to prevent the few passing storms from generating high winds or large storm surges in the City of Annapolis area. Most tropical cyclones affecting the City of Annapolis area make landfall far to the south

on the Atlantic seaboard or pass well to the southeast of the Chesapeake Bay entrance.

The primary approach axis for storms during June-July is overland from the southwest after making landfall in the Gulf of Mexico or along the Atlantic coast. This primary approach axis shifts far to the east during the following months of August-September. Although the majority of tropical cyclones still make landfall before reaching the Chesapeake Bay, storms tend to travel much farther up the Atlantic coast before encountering land during August-September allowing them to maintain wind intensity.

NCDC database indicates that three tropical storms occurred in Anne Arundel County between 1950-2011. The first event, Hurricane Floyd, occurred in September 1999, and the second, Hurricane Isabel, occurred in September 2003. Both events were downgraded to tropical storms by the time they reached the Mid-Atlantic region.

Additionally, in late August 2011, Hurricane Irene made landfall and impacted much of the mid-Atlantic region. The storm caused serious injuries and deaths, damaged homes and businesses, hammered shorelines, disrupted travel, and caused over \$10 billion worth of damage in the United States. Though the flooding in Annapolis was not as disruptive as Hurricane Isabel, many homes and businesses experienced flooding from the massive amounts of rainfall in the weeks during and after the storm.

Location: The most dangerous storms for the City of Annapolis Harbor, Naval Station Annapolis, and the U.S. Naval Academy are those that cause surges up the Severn River resulting in flooding. Storm surges in the City of Annapolis are produced when winds from the south retard the Severn River outflow. The effects of a storm are further amplified by heavy rainfall and resulting runoff. Storms passing to the west of the City of Annapolis provide southerly wind fields over the Chesapeake Bay that creates surges up the Severn River. Flooding of the inner basin of the City of Annapolis Harbor can occur whenever a storm surge of three feet or greater is experienced at the mouth of the Severn River. In addition, storm surges of three feet or greater cause the Farragut and Dewey seawalls at the US Naval Academy to become questionable moorages.



U.S. Naval Academy Seawall



Annapolis City Dock

Slow moving storms (23 mph) traveling northward would cause the greatest storm surges in the City of Annapolis area. Faster moving storms (46 mph), although moving in the same direction, have smaller surge effects on the City of Annapolis. Category two tropical storms or greater passing in close proximity to the City of Annapolis have a reasonable chance of causing flooding in the harbor and making the seawalls at the U.S. Naval Academy unusable for moorage.

Probability: It has been over 100 years since a hurricane has entered the Chesapeake Bay with an orientation that would bring it near the City of Annapolis, although hurricanes passed within 75 miles of the City of Annapolis in 1954 and 1983. NOAA estimates such an event would result in a 100-year frequency type of hurricane, where wind speeds reach 90-100 mph. While this occurrence is rare, there should be no doubt that such an event would cause significant wind and flood damage within the City of Annapolis that might well severely disrupt the City of Annapolis and take several years from which to recover. Many historic structures might well be damaged beyond repair, permanently changing the character of the City of Annapolis and causing significant damage to the City of Annapolis's tourism industry. Based on approximately 60 years of historical data from the NHC, the probability of future tropical storms impacting Maryland and Anne Arundel County is moderate, averaging approximately one event every five to six years.

4.1.3.4. Severe Thunderstorm

Severe thunderstorms can generate torrential rainfall, high winds, frequent lightening, and hail. The National Weather Service (NWS) uses wind speed and hail size to define "official" severe thunderstorms. A thunderstorm is declared severe by the NWS if wind gusts reach 57.5 mph or stronger or if hail size is three quarters of an inch or bigger. Hailstones are balls of ice that grow as they are held up by thunderstorm updrafts while super cooled water drops hit and freeze onto them. The faster the updraft, the bigger the stones can grow.

When updrafts are strong, intense downdrafts, or downbursts, can occur. These downbursts often create gusty winds of nearly 60 mph, and on some occasions gusts have been recorded as high as 160 mph. These winds can smash windows and easily uproot trees, and are often mistaken for tornadoes. Large hailstones can cause severe damage to plants, automobiles, and also pose a threat to people caught outside in a storm. Heavy rain and flash flooding from severe thunderstorms also pose a serious threat to life and property. Lightning is a very serious threat from any thunderstorm. Whether it is severe or not, officials recommend people know and obey lightning safety rules when a thunderstorm is near.

Microbursts are similar to downbursts - but smaller. A microburst only affects a path of 2.5 miles or less and lasts less than 10 minutes. Downbursts can affect a much larger area and for a longer period of time. Often wind damage that is blamed on tornadoes is actually done by winds coming down from a shower or thunderstorm. Such "microburst" winds can reach more than 150 mph.

Average annual precipitation varies from 40-44 inches and is fairly evenly distributed throughout the year. Most precipitation in the colder half of the year is the result of low pressure systems moving northeast along the coast. In the summer, precipitation occurs in the form of showers and thunderstorms. Thunderstorms occur on average of 31 days per year.

Probability: The City of Annapolis has a moderate probability of thunderstorm occurrence when compared to other parts of the U.S. that experience thunderstorms. The City of Annapolis can expect approximately 50 thunderstorm events per year.

Past Events: During the period 1950-2011, the City of Annapolis experienced three thunderstorms that met the hailstone size criteria of ¾" in diameter. In addition, the City of Annapolis experienced 11 thunderstorms that produced wind, which exceeded the Severe Thunderstorm threshold of 58 mph.

If one considers 60 years of data as a predictor of severe thunderstorms in the City of Annapolis, it would appear a severe thunderstorm impacts the City of Annapolis approximately once every 5 years. This equates to moderate risk when compared to other communities located east of the Rocky Mountains.

Extent: Finally, weather fronts pass through the City of Annapolis area throughout the year. While cold front passage in the spring, summer, and fall is often associated with lines of thunderstorms, winter passage of cold fronts is often accompanied by high winds that can occur over a regional area. The high winds are normally predictable and forecast by the NWS by the issuance of either a High Wind Watch or Warning.

Location: Normally, winds associated with frontal passages can result in trees being downed and possibly cause scattered power outages. Rarely do they cause wide spread sustained disruption within the City of Annapolis. Other impacts can be the banning of high-profile vehicles from the Bay Bridge causing temporary disruption to the flow of traffic over the bridge.

Cold front passage normally results in wind blowing primarily from the Northwest to the Southeast. Since the City of Annapolis is located on the western shore of the Chesapeake Bay, this prevailing wind direction has the

beneficial result of not causing Bay waters to back up into the estuaries that dissect the City of Annapolis.

4.1.3.5. Tornado

Tornado intensity is measured using the Fujita Scale. The intensity of each tornado is determined by the NWS through a field investigation conducted by meteorologists.

Past Events: While the City of Annapolis has not experienced a direct strike from a tornado in recent times, a significant risk from tornadoes exists within the City of Annapolis. Compared with other States, Maryland ranks number 33 for frequency of tornadoes, 37 for number of deaths, 33 for injuries and 35 for cost of damages. When we compare these statistics to other States by the frequency per square mile, Maryland ranks number 15 for the frequency of tornadoes, number 30 for fatalities, number 28 for injuries per area and number 27 for costs per area. (Based on data from 1950 – 1995)

From 1950 through 2011, Anne Arundel County was the second most tornado prone county in the State of Maryland. Between 1950-2011, 21 tornadoes struck Anne Arundel County. The most severe was an F3. Deaths from tornadoes in Anne Arundel County were limited to 3 people during that 61-year period.

Extent: Time of day has a strong correlation to the probability of a tornado. While a tornado can occur at anytime of the day, the vast majority of tornadoes strike in the late afternoon and evening. Furthermore, stronger tornadoes tend to occur later in the day. This is why schools are rarely in session when tornadoes occur. It is normally those in after school activities that are often at risk when schools are struck by tornadoes.

Probability: In summary, the occurrence of tornadoes in Anne Arundel County can be expected about once every three years with an intensity of probably no more than F2.

Location: If occupants of the City of Annapolis take proper shelter during a Tornado Warning, they successfully can weather a tornado striking within the City of Annapolis. Tornadoes are some of the most extreme weather events known to occur on earth and the broad generalization that the City of Annapolis has a minimal tornado risk must be taken with some caution.

4.1.3.6. Severe Winter Weather

While the City of Annapolis generally experiences relatively mild winters, severe winter weather impacting the City can take the form of heavy snowfall, a Nor'easter, or freezing rain/ice storms. Nearly the entire United States is considered at risk for severe winter storms. When these storms occur in the South, unprotected pipes are especially vulnerable. Disruption in water service and decreases in water pressure cause a cascading problem for emergency responders. Heavily populated areas are particularly impacted

when severe winter storms disrupt communication and power due to downed lines from high winds and icing. Debris associated with heavy icing may impact utility systems and transportation routes.

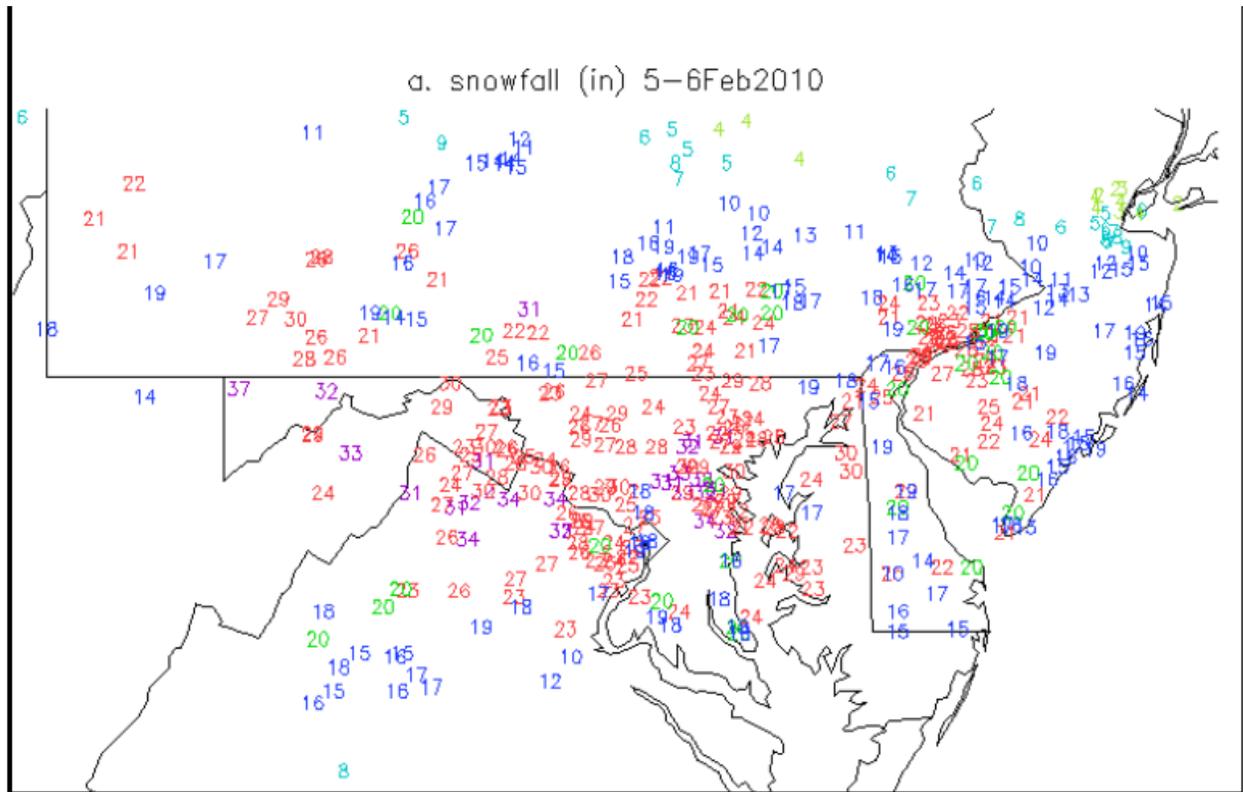
Past Events: The NCDC database shows four deaths and 16 injuries from 68 winter storms between 1950 and 2009 in Anne Arundel County. Of the 68 winter storms, three resulted in injuries.

Based on records kept, the City of Annapolis receives only a moderate snowfall as shown in Figure 4-5. With respect to heavy snowfall, the City of Annapolis' averages are somewhat deceiving in that the City of Annapolis will often go several years with little measurable snow, only to be followed by a single heavy or extremely heavy snowfall. As an example, the snowfall during the 2010-2011 winter season set a seasonal total at BWI, Airport of over 45.5 inches.

The single events that produce the greatest snowfalls in the City of Annapolis are a result of coastal storms forming off the coast of North Carolina or Virginia and track northeast along the coast. These storms are often referred to as Nor'easters and have resulted in record-setting snowfall. As Figure 4-6 demonstrates, the City of Annapolis can exceed its average annual snowfall from one coastal storm event. In these events, the City of Annapolis received approximately 22 inches of snow from the Blizzard of 1996 and the 2003 President's Day Storm showed very similar results with the City of Annapolis again receiving 23" of snow. In the intervening six years, the City of Annapolis experienced minimal snowfall until one winter storm in December 2009 and two severe storms in February 2010 resulted in widespread power outages, closed roads, and significant need for snow removal. The two disasters were declared to provide the state and counties reimbursement funds primarily for snow removal under Public Assistance Category B. Figure 4-6 shows the storm totals for this record-breaking snow event. Values are color coded with cyan for 1-10 inches, blue for 10-20 inches, red for 20-30 inches and purple for values over 30 inches. In Anne Arundel County, storm totals ranged from 22-33 inches.

<i>November</i>	<i>Trace</i>
December	.6
January	1.7
February	6.6
March	7.6
Seasonal total:	16.5

Figure 4-6
February 5-6, 2010 Mid-Atlantic Snowfall Totals
 (Source: NWS, The Historic Mid-Atlantic Snow Storm of February 5-6 2010 (Draft))



4.1.3.7. Nor'easter

Similar to a hurricane, a Nor'easter is a counter-clockwise turning spawned by a Jet Stream that dips far south allowing cold arctic air to meet warm air. The warm air rises over the cold creating instability up high and an area of low pressure below. Larger temperature differences create greater turbulence. Once the system is formed, the earth's rotation causes the air to circle around the center. This creates the northeast wind, hence it's name Nor'easter.

During the October to April Nor'easter season, February is the busiest month. What Nor'easters do not achieve in wind-speed (as compared with hurricanes), they achieve in duration (up to a week) and size (up to 1000 miles or more in diameter). Nor'easters can be the cause of significant tidal flooding damage in the City of Annapolis.

4.1.3.8. Freezing Rain and Ice

Freezing rain/ice storms can also cause significant disruption. Ice coatings can render roadways impassable, cause trees and power lines to snap, and are known to fill emergency rooms with patients with numerous injuries from falls and traffic accidents.

There were approximately 80 hourly observations of freezing rain at BWI airport over the eight-year period of 1982 to 1990. The level of reported freezing rain averages out to only 10 hours of freezing rain per year.

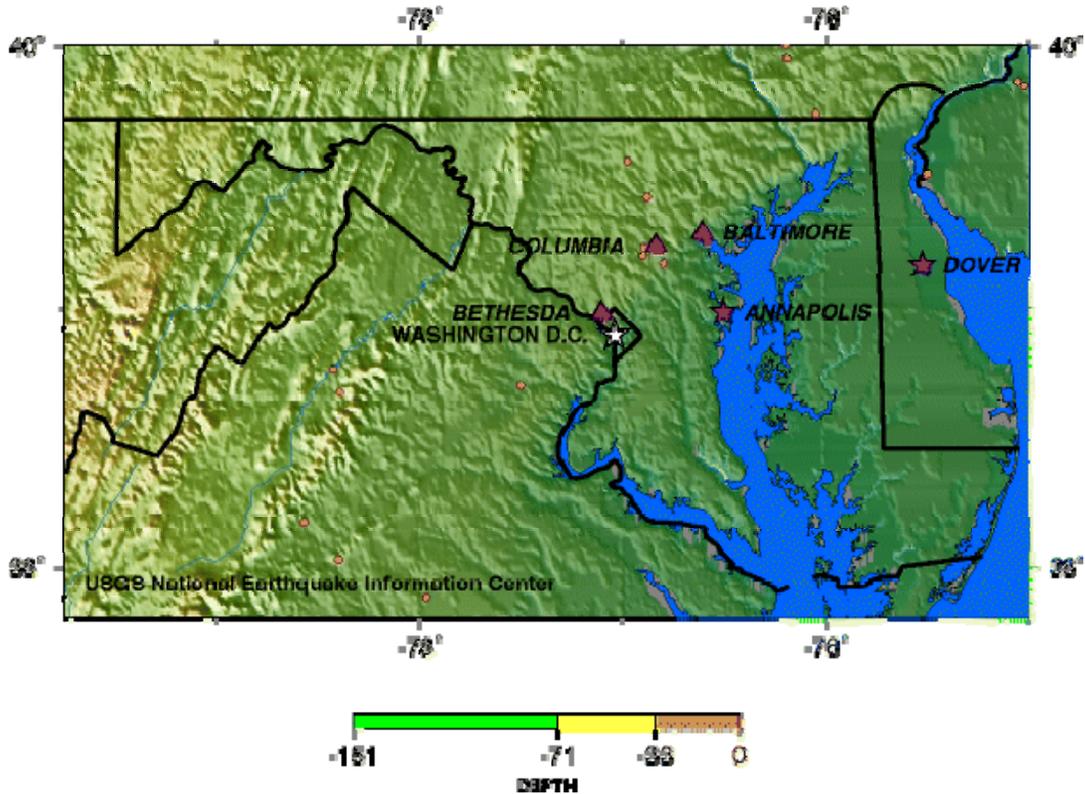
The City of Annapolis does not have a significant history of freezing rains and ice storms thus the City of Annapolis has a moderate risk from freezing rain and ice storms.

City of Annapolis temperatures do not vary significantly from normal daily highs and lows. As an example, only approximately 2% of the time does the minimum temperature drop 10 degrees below normal and 1% of the time does the minimum temperature drop 15 degrees below normal. With its temperate climate, these variations rarely cause significant disruption in the City of Annapolis.

4.1.3.9. Earthquakes

The U.S. Geological survey defines an earthquake as “both sudden slip on a fault, and the resulting ground shaking and radiated seismic energy caused by the slip, or by volcanic or magmatic activity, or other sudden stress changes in the earth.” Numerous “earthquake hazards” may result in Maryland from an earthquake occurring within the State or in another State (i.e. surface faulting, ground shaking, landslides, liquefaction, tectonic deformation, tsunamis, and seiches). Though strong earthquakes are unusual in Maryland, the State occasionally experiences perceptible earthquakes. According to Lamont-Doherty Cooperative Seismographic Network, between 1970 and 2011, the Chesapeake Bay Region experienced 37 earthquakes ranging from 0.1 to 4.1 magnitudes. Other earthquakes outside the region are often felt inside the region, depending on the severity of the earthquake and the density of the area. Recently, on August 23, 2011, a 5.8 magnitude earthquake struck Mineral, Virginia, approximately 125 miles SW of the City of Annapolis and was felt throughout the City. Some structures sustained minor damage.

Seismicity of Maryland 1990 - 2006



4.2 Vulnerability Assessment

The Office of Emergency Management designated 16 sites in the city of Annapolis as critical infrastructure Phase 1 facilities. These sites include water, sanitary sewer, storm water drainage, solid waste, public service and government buildings, and police/fire facilities. To ensure the health and safety of the citizens of Annapolis, the Annapolis Office of Emergency Management conducted critical infrastructure vulnerability assessments. Each infrastructure site was visited, investigated, and given a thorough vulnerability assessment by way of a one hundred point vulnerability checklist including aspects such as: barriers, access controls, lighting, intrusion detection, camera/video surveillance, mail/package control, fuel supply storage, contingency planning, visitor control, and parking/traffic security. Data from the above listed criteria was entered into the computer program "Risk Watch." This program analyzes raw data and calculates the most cost effective means for reducing risk unique to a specific facility. This data can be utilized for predicting the likelihood of naturally occurring disasters to which Annapolis is prone, such as hurricanes, flooding, extreme heat/cold emergencies, terrorist threats, and earthquakes.

Security and continuity of operations are essential elements concerning each and every critical infrastructure site. An increase in threat capabilities and methodologies, and

therefore potential infrastructure vulnerabilities, has resulted in a subsequent need for enhanced vulnerability mitigation and overall threat deterrence. Emphasis is given to providing the most effective means of improvement where most needed, while utilizing the most cost effective means possible. In accordance with this, most entrances that may be accessible to the public in the city of Annapolis are securely locked, or are equipped with a uniformed guard and all critical infrastructure facilities are equipped with adequate outdoor lighting. An analysis of the above mentioned critical infrastructure sites has revealed that threat deterrent criteria such as bomb detection, fire detection/alarms, computer systems security, and the effective use of landscape and vegetation rank highest in threat mitigation for the city of Annapolis, according to "Risk Watch." The greatest areas of improvement are in: intrusion detection, camera/video surveillance, mail/package control, and fuel supply storage. Areas which also have the ability to be enhanced are: visitor control, parking/traffic security, and contingency planning. The overarching vulnerability noted is intruder detection and deterrence.

The City of Annapolis recently invested in a range of equipment to bolster protection of its Phase 1 critical infrastructure facilities. Annapolis acquired three mobile generators in addition to transfer switches for the Public Works facility on Spa Road and the Pip Moyer Community Recreation Center. Thirteen more cameras are soon to be utilized at critical infrastructure sites. A fence has also been constructed at the Police Department to enhance security for law enforcement personnel, vehicles, and equipment.

Several additional enhancements are currently planned or underway in response to these findings. A new security system is planned for City Hall that would allow guarded, controlled access to public areas, while at the same time only permit access to sensitive, non-public areas to personnel with coded identification badges. Several additional projects, which would provide transfer switches to additional Phase 1 facilities, will be carried out as soon as the funding is available. Once the transfer switches are in place, City personnel will be able to restore power to critical infrastructure facilities by using the existing mobile generators.

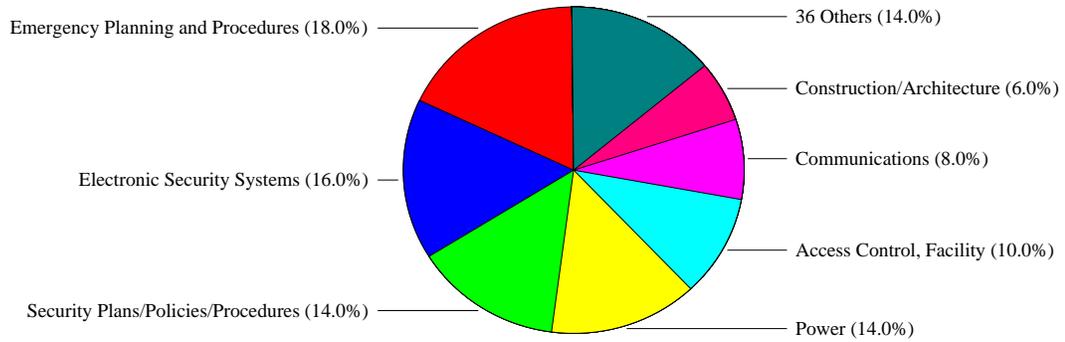
The full vulnerability report for each phase facility is included below. The Office of Emergency Management has completed critical infrastructure vulnerability assessments of Phase 1 facilities. The next step is to conduct the similar assessments and analyses of Phase 2 facilities, which include several pumping stations, the Roger W. "Pip" Moyer Community Recreation Center, Market House, the Maritime Museum, historic buildings, and parking garages.

4.2.1 Phase 1 Facilities

Each Phase 1 facility listed below includes a description and a pie chart indicating the prevalence of each area of vulnerability, as determined from a set of 200 vulnerability questions. Listed below are the evaluation criteria as demonstrated by the corresponding pie charts. The criteria are: Emergency Planning and Procedures, Electronic Security Systems, Security Plans/Policies/Procedures, Construction/Architecture, Communications, Facility Access Control, Power, Fire Suppression/Smoke Evacuation, Security Plans/Policies/Procedures, Computer Systems Security, HVAC Systems, Fuel Supplies/Storage, Fire Detection/Alarm Systems, Vehicle Controls, and Others. All facilities are similarly affected by each of the potential hazards that could impact Annapolis.

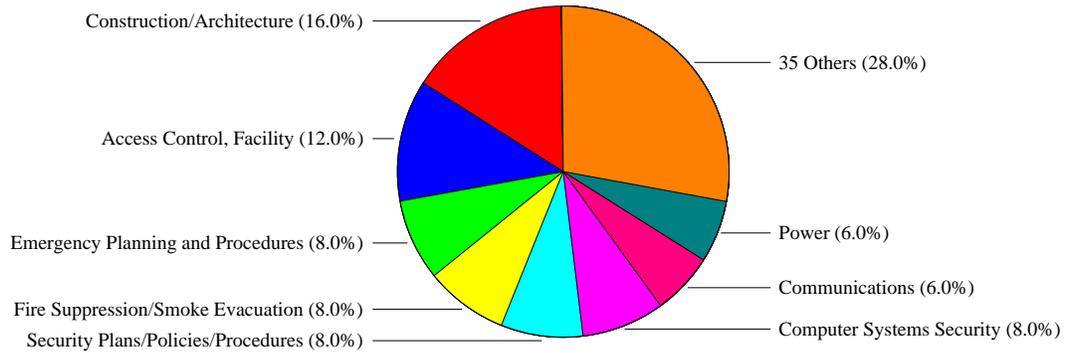
City Hall:

Located at 160 Duke of Gloucester Street in downtown Annapolis, the Annapolis City Hall is home to the Department of Neighborhoods and Environmental Programs (DNEP), Office of Finance, and the Annapolis City Council which is comprised of the Mayor of Annapolis and eight Aldermen and Alderwomen. The role of the City Council is to take legislative action and hold public hearings within City Hall.



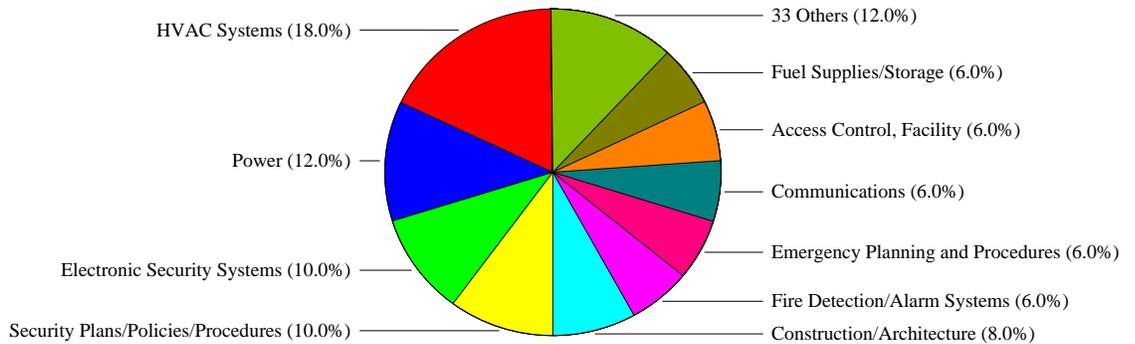
Eastport Fire Station:

Eastport Fire Station is located at 914 Bay Ridge Avenue in Eastport. This fire station services all of Eastport and is equipped with an Advanced Life Support Unit for medical emergencies.



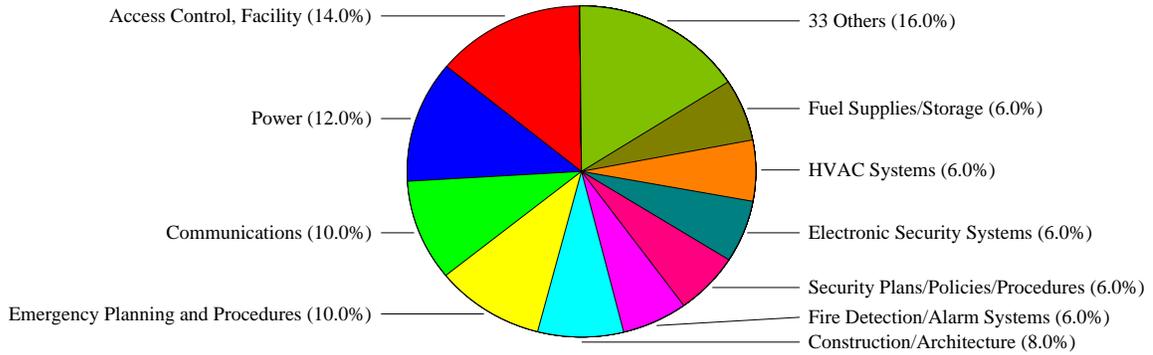
City of Annapolis Fire Headquarters:

The City of Annapolis Fire Headquarters is located at 1790 Forest Drive.



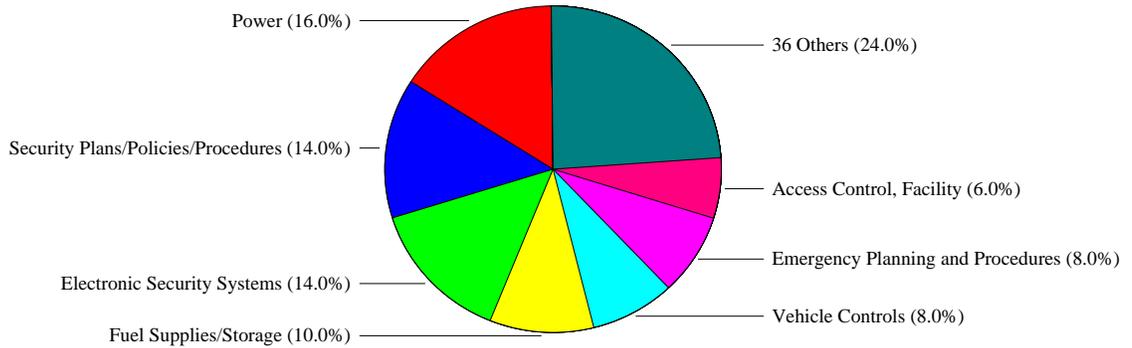
145 Gorman Street:

145 Gorman Street is located next to City Hall in downtown Annapolis. This leased facility contains the Department of Planning and Zoning, Procurement, the City Clerk, Human Resources, and the Office of Law.



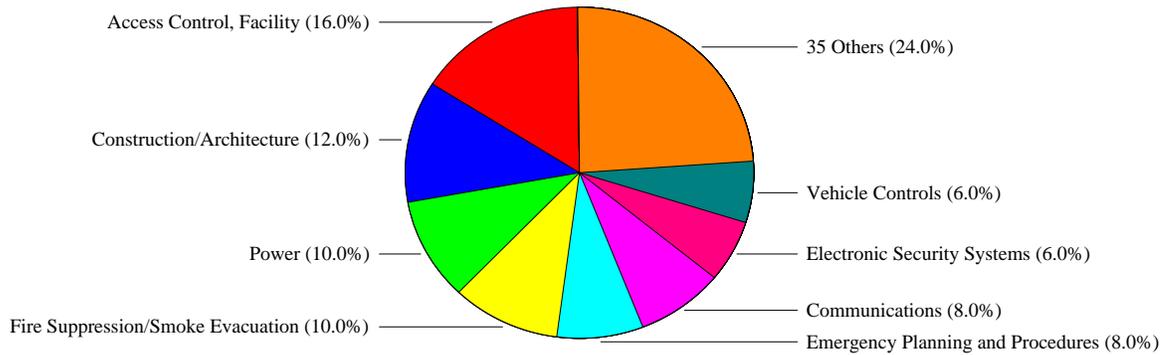
Harbormaster:

The Office of the Annapolis Harbormaster is located at 1 Dock Street in downtown Annapolis. The role of the Harbormaster is to ensure the safe and environmentally sound utilization of the Annapolis Harbor as well as the safety of the boating public.



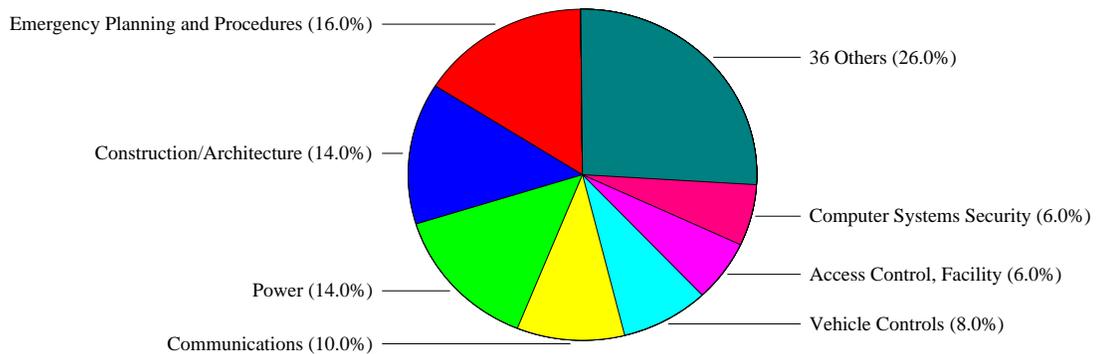
Hillman Garage:

The Hillman garage is the primary parking garage located in downtown Annapolis. It is accessible from Main Street and is located next to 145 Gorman Street and City Hall.



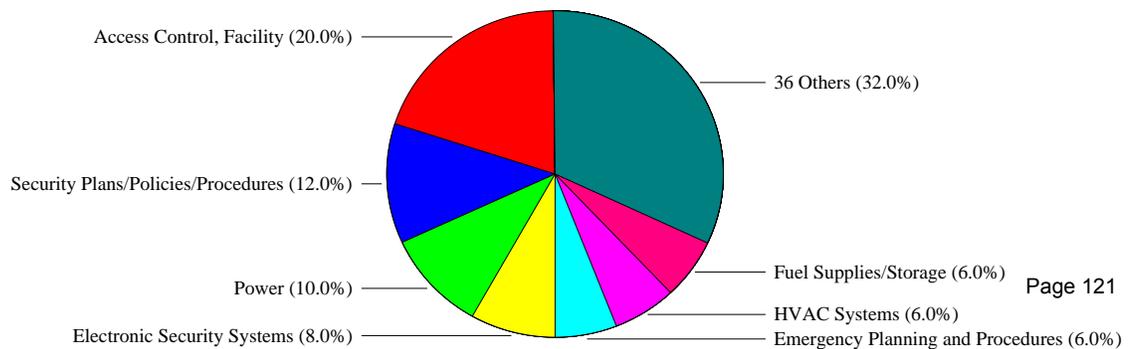
Management Information Technology (MIT):

MIT is located across from the Annapolis City Hall at 161 Duke of Gloucester Street and is a subdivision of the Finance Department. It maintains a central processing computer installation to support the many functions of the Finance Department. MIT is responsible for providing Management Information Technology services to all City Departments.



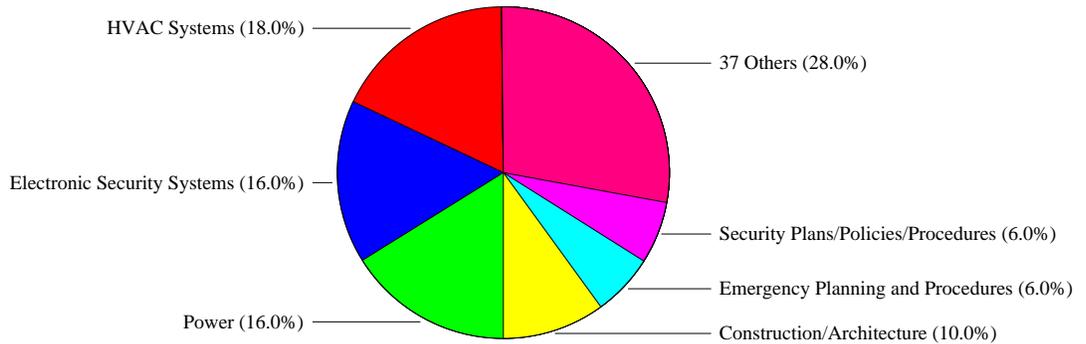
Police Station, City of Annapolis:

The City of Annapolis Police Station is located at 199 Taylor Avenue and shares the facility with the Annapolis Office of Emergency Management.



Public Works, City of Annapolis:

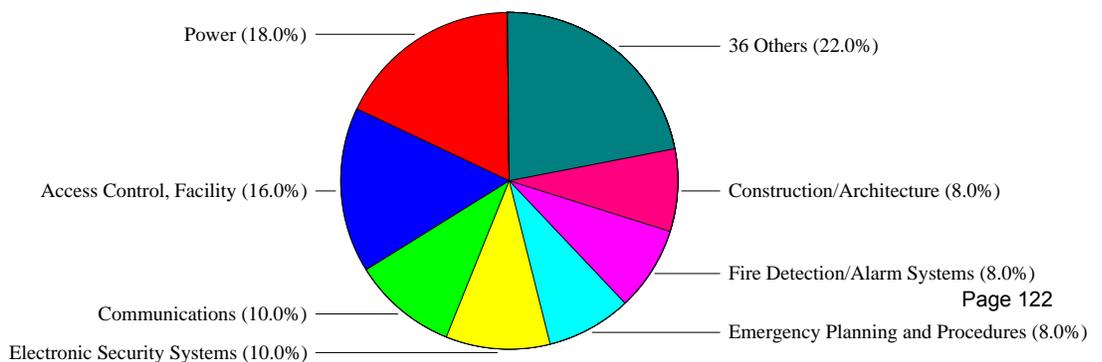
City of Annapolis Public Works has facilities at 935 and 937 Spa Road. 935 Spa Road houses Public Works Services; The City fuel pumps are located at 937 Spa Road.



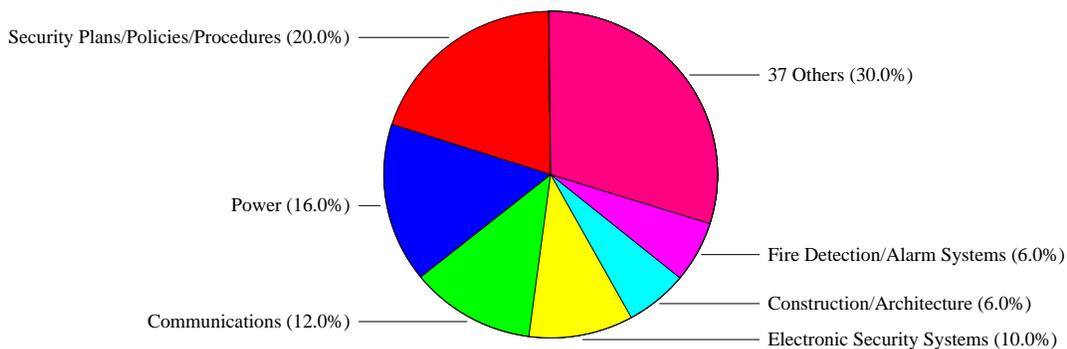
Pumping Stations:

Within the City of Annapolis are 26 sewage pumping stations. City of Annapolis pumping stations are actually “lifting” stations in that the sewage water is actually “lifted” by the station and is then gravity fed downhill to the treatment plant.

Second Street Pumping Station:

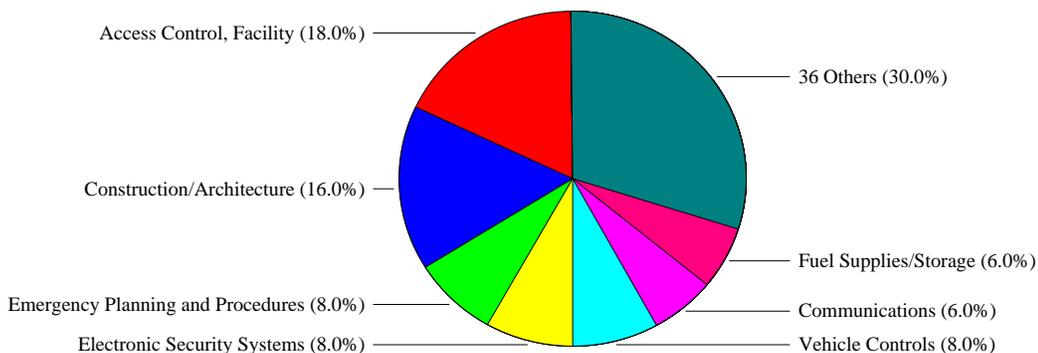


Sample of 10 Other Pumping Stations:



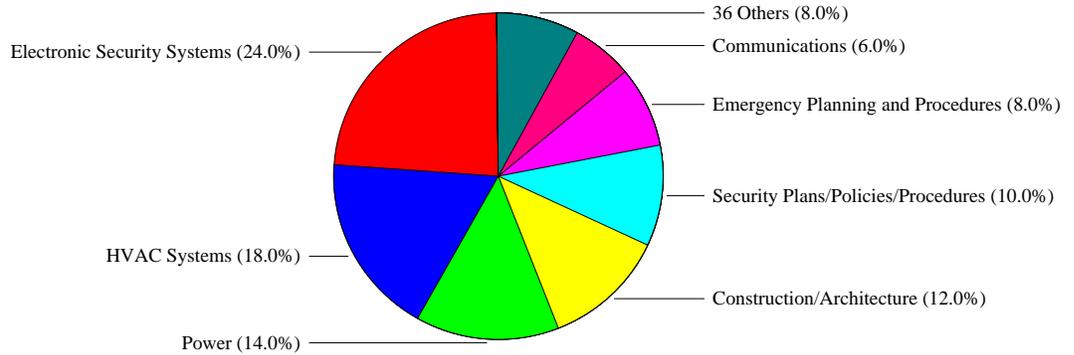
Taylor Avenue Fire Station:

The Taylor Avenue Fire Station is located at 620 Taylor Avenue and is one of three operational fire stations within the City of Annapolis; the others being the Eastport Fire Station and the City of Annapolis Fire Headquarters.



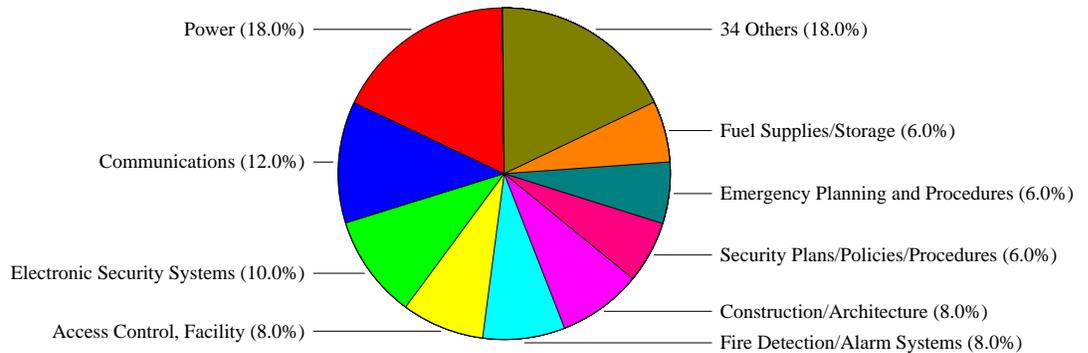
Transportation:

The City of Annapolis Department of Transportation is located at 308 Chinquapin Round Road. This service provides the citizens of Annapolis with safe and reliable public transportation throughout the City as well as providing for emergency transport services in the event of a major disaster.



Water Treatment Plant:

The City of Annapolis water treatment plant is located at 260 Defense Highway. This plant is staffed 24 hours a day, is well secured, and provides safe drinking water for the residents of Annapolis.



Of the above listed charts, several patterns have been observed regarding the fourteen total sites evaluated:

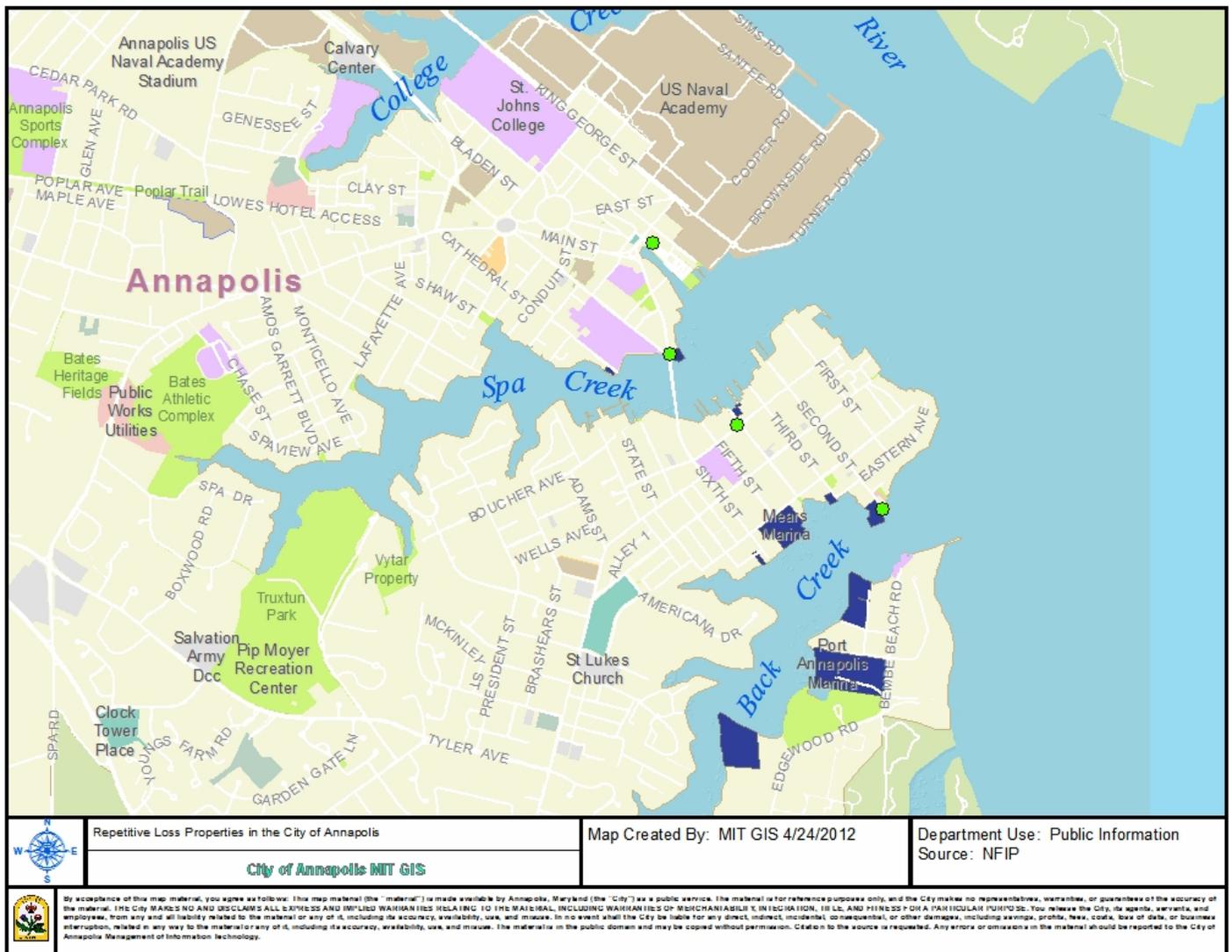
- Eight sites have an “Electronic Security Systems” discrepancy of at least 10%.
- Twelve facilities have a “Power” discrepancy of at least 10%.
- “Electronic Security Systems” and “Transportation” contain the largest single discrepancy at 24%.

- “Emergency Planning/ Procedures” and “Power” are listed the most frequently with thirteen facilities listing them.
- “145 Gorman Street” and “Annapolis City Fire Headquarters” are the facilities containing the most number of discrepancies listed overall with eleven.
- “Fire Suppression/Smoke Evacuation” and “Computer Systems Security” are the discrepancies listed the least number of times with two apiece.

4.3 Process for Estimating Losses

The Office of Emergency Management estimates losses by analyzing National Flood Insurance Program data on properties located in the City of Annapolis. As of September 30, 2011, four properties in Annapolis were designated as “repetitive loss.” These properties filed insurance claims of a minimum amount of \$1,000 each within a 10 year span. The dates of losses surrounding these properties mostly correspond to major storms, such as Tropical Storm Isabel, and other significant flooding events. The general locations of these properties are illustrated in Figure 4-7 below. No properties in Annapolis qualified as “severe repetitive loss,” defined as filing at least four claims of \$5,000 each, or at least two claims with the cumulative amount exceeding the market value of the building.

Figure 4-7
Repetitive Loss Properties in the City of Annapolis



5.0 MITIGATION STRATEGY

This section identifies and presents the results of the analyses of a comprehensive range of specific mitigation actions and projects that have been considered to reduce the effects of each natural hazard that poses a significant risk to the City of Annapolis. The process for new, or updated, mitigation strategies is based on criteria such as availability of resources, cost of projects, time needed, and staff availability. The prioritization process also places an emphasis on the use of a cost-benefit review to maximize benefits. Each planned project lists a priority level, timeframe, and associated cost.

5.1. Process for Developing Mitigation Plans

The Annapolis Hazard Mitigation Plan is designed to help the City of Annapolis achieve a series of overarching goals. Those goals are listed below. Each goal is then intended to be achieved through the implementation of the plan elements described in previous mitigation plans and in section 5.3 below.

- Goal 1.0 – Continued operation and continuity of government
- Goal 2.0 – Minimize effects each of the hazards identified for Annapolis
- Goal 3.0 -- Create awareness among residents of these potential hazards and how they can protect themselves and their properties from damaging events
- Goal 4.0 -- Protect existing community assets in the City of Annapolis from damage caused by these hazards
- Goal 5.0 – Protect the Chesapeake Bay tributaries surrounding City of Annapolis to the maximum extent practicable
- Goal 6.0 -- Ensure hazard mitigation goals are consistent with goals and objectives of other plans in Annapolis and Anne Arundel County

In previous versions of the Annapolis Hazard Mitigation Plan, a series of actions were correlated to these goals and presented in a table. In updating those previous plans, the Planning Committee reviewed the mitigation action table and noted which activities have been completed. Upon review, it is apparent that a significant number of those projects focus on preparedness, rather than “sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects” as hazard mitigation is defined in the Local Multi-Hazard Mitigation Planning Guidance of July 1, 2008. Consequently, this document presents the preparedness and mitigation activities that are continuing to be implemented or have yet to be implemented from previous versions of the Annapolis Hazard Mitigation Plan. Also included are new mitigation activities identified by the City of Annapolis.

5.2. General Mitigation Plans

Of the General Mitigation activities presented in previous versions of this plan, one activity continues to be implemented in an ongoing fashion. The one remaining activity is a preparedness effort known as:

Project B: Develop a public awareness campaign that will be a long-term initiative providing consistent educational opportunities to advance the community’s knowledge and skills. Outreach activities could include the following:

- Displays in public buildings or shopping malls
- Articles and special sections in newspapers
- Radio and TV (public access) news releases and interview shows
- Property protection video for cable TV programs or to loan to organizations
- Presentations at meetings of neighborhood groups, realtors, bankers, or other special interest groups
- Presentations at community association meetings
- Training sessions from related organizations, such as the American Red Cross
- Website with hyperlinks to other sources of information
- Newspaper inserts, tax and utility bill inserts
- Classroom curriculum on disaster preparedness and safety

5.3. Specific Mitigation Plans

Based on the specific hazards identified, previous plans then listed a series of mitigation actions targeted to each specific hazard. Below is an update on the status of those plans and descriptions of other actions that have since been identified by the City of Annapolis:

5.3.1. Extreme Heat

Beginning in 2010, the Office of Emergency Management developed and activated the City of Annapolis Code Red Heat Alert Plan (CRHA). The CRHA Plan is used to provide cooling relief to vulnerable populations in the City of Annapolis during an extreme heat event. An extreme heat event is defined as a day in which the heat index is anticipated to reach or exceed 105 degrees. The Roger “Pip” Moyer Recreation Center serves as the primary cooling center.

The CRHA Plan was updated in 2011. The Office of Emergency Management also assisted the Housing Authority of the City of Annapolis to draft its own heat plan and to open additional cooling centers when necessary. The Anne Arundel County Department of Aging and Disabilities now provides transportation to the Pip Moyer Recreation Center when it is in use as a cooling center. The CRHA Plan was activated multiple times in 2010 and 2011.

One project identified in previous mitigation plans specific to extreme heat is in development. It is a project known as:

Project I: Using tools already developed by other governments in the State of Maryland, customize and distribute brochures and other educational materials on summer weather tips – in both English and Spanish. This project carries a medium priority level and will be completed by the Spring of 2013. It will be produced by the Office of Emergency Management and professionally printed at an approximate cost of \$1,000.

5.3.2. Flooding

The Office of Emergency Management completed the City of Annapolis Flood Plan in 2010. The Plan presents strategies for mitigation, response, and recovery to problems caused by flooding. It includes resources the City of Annapolis possesses to mitigate the damage caused by floods and to facilitate a response effort in the case of a flood impacting the City. The Flood Plan describes various City departmental roles in anticipation of, during, and following a flood, including alert and notification steps, activation of the EOC, possible evacuation and sheltering operations, damage assessment, and inspection for re-entry. The Flood Plan is part of the City of Annapolis Emergency Operations Plan.

The one project identified in previous mitigation plans specific to flash flooding still has yet to be implemented. It is a project known as:

Project J: Using tools already developed by other governments in the State of Maryland, customize and distribute brochures and other educational materials on flood hazards – in both English and Spanish.

Of the five projects identified in previous plans as relating specifically to coastal/tidal flooding, four have been implemented and one has been eliminated. The eliminated project was to make mitigation grant funding available to private residences. That project has since been proven to be impossible.

Of the many projects identified in the 2007 Flood Mitigation Appendix, the following projects listed in section 5.3.2.2 remain planned for action in 2012.

5.3.2.1 Strategy for Reducing Flood Risk

In March 2011, The City of Annapolis Department of Neighborhood and Environmental Programs received a study entitled, Flood Mitigation Strategies for the City of Annapolis, MD: City Dock and Eastport Area. This detailed study examined the nature and extent of flooding in Annapolis and accounted for future projected impacts. It included an analysis of several flood mitigation strategies and the benefits and costs of each.

Based on the Flood Mitigation Strategies study, the Planning Team found two options to be most feasible and subject to swift implementation. First, the Office of Emergency Management has submitted a plan to the Maryland Emergency Management Agency that would install seven check valves at flood prone storm drains at the lowest points in the City. When minor flooding of approximately 3.5 feet above Mean Lower Low Water (MLLW) occurs in the City, Chesapeake Bay waters frequently back up through the storm drains in the following locations: City Dock; the intersection of Compromise and Newman Streets; Memorial Circle; and Second Street near the Maritime Museum. In these areas, high tides commonly carry water from the Chesapeake Bay back through storm drains and onto streets and parking lots. The check valves will ensure that minor flooding will not inundate these locations. The valves will prevent tidal waters from backing up through the storm drains. The proposed valve sizes are: four 15'', one 24'', one 36'', and one 39''.

The valve locations are high priority sites where vehicle and foot traffic are both substantial. The valves will prevent damaging effects of minor and moderate flooding. For example, when the storm drain at Newman and Compromise Streets floods, Compromise Street must be shut down, thereby severing the primary artery to Eastport. Similarly, Memorial Circle serves as the core of downtown and carries heavy amounts of traffic. Once submerged, it causes a major disruption to traffic and local businesses. In addition, when the storm drains back up at City Dock, lower-lying businesses suffer the effects and much of the area's limited parking capacity is unusable. The City will also save on the costs of supplying sandbags, which it routinely provides to the community during flooding events. This project carries a high priority level and will be completed within a year at an approximate cost of \$193,000.

The second flood mitigation project entails providing vigorous community and business education. This is another cost effective strategy for reducing flood risk. Specific mitigation steps for some properties are presented in section 5.3.2.2 below. This project carries a medium priority level and will be completed within one year by staff at the Office of Emergency Management in coordination with community leaders. The estimated cost is minimal.

5.3.2.1.1 Description of the Planning Process

A team of City of Annapolis employees, complemented by contractor assistance, developed this plan. The team was responsible for establishing goals, assessing the hazard and identifying mitigation options.

5.3.2.1.2 Public Involvement

A public meeting was held on July 16, 2012 before the Public Safety Committee of the Annapolis City Council. The meeting was advertised in press releases, on the City Council agenda, and on the Office of Emergency Management website. At the meeting, staff from the Office of Emergency Management presented the findings and proposals of the Planning Committee. Members of the public were invited to ask questions and provide comments.

5.3.2.1.3 Task Force and Planning Team

In 2012, a Planning Team from the City of Annapolis convened to discuss the scope and scenarios for development of a flood mitigation plan. The Office of Emergency Management chairs the Planning Team with strong participation by the Department of Public Works. The Harbormaster and Department of Neighborhood and Environmental Programs also reviewed the draft flood mitigation plan.

5.3.2.1.4 Flood Plain Management Goals

Determining tolerable risk for a specific property includes consideration of the investment involved, potential danger to life, access to safe areas in the event of a flood and a host of other factors. Even when all the conceivable influencing factors are considered, there is no straightforward answer. For example, the amount of risk that's tolerable for a residence is ultimately a personal decision and may hinge on noneconomic considerations, such as the proximity of the owner's home to work, the value placed on living on the water or a desire to remain near relatives and friends.

The Planning Committee agreed upon the following flood mitigation goals:

- Protection of Human Health
- Limitation of Economic Damages to the City of Annapolis
- Preservation of the Architectural Character and Historical Significance of the City of Annapolis

The following flood mitigation plans were developed with those goals as primary evaluation criteria for mitigation options.

5.3.2.2. Preliminary Plans for Selected Projects

Street ends and commercial structures in the vicinity of City Dock will be best protected from floodwaters by proper sandbagging techniques, installation of protective plastic around doors, windows and foundations, and through private purchase of generators to provide electric support in the event of electricity outages resulting from flooding.

For many of the docks throughout The City of Annapolis, the best mitigation measure is installation and proper maintenance through the setting of docks/piers at six to seven feet above high tide levels.

Similarly, for sea walls and bulkheads and the grassy lawns behind them that protect much of the shoreline of The City of Annapolis, the best mitigation measure is proper maintenance of those bulkheads to ensure erosion and rot do not compromise the structures.

Proper maintenance is also the preferred mitigation measure for utility poles that are found within the four-foot elevation. Maintenance is the responsibility of the utility companies that those poles serve.

Flooding may damage trees that are within the four-foot elevation. Proper maintenance through trimming and mulching may protect those important tree canopies from wind and erosion that often accompany floods.

There are several sheds and boat houses that are peppered along the shorelines of Spa and Back Creeks in The City of Annapolis. The mitigation measure is any structure over 120 sq. feet will have to meet new building requirements, those that are existing or under 120 sq. feet will get a letter from the City warning them of vulnerability.

Both the Annapolis Yacht Club and the Eastport Yacht Club have boatlifts that are identifiably within the four-foot elevation. The best mitigation measures for those pieces of equipment will be proper maintenance.

Several marinas are situated within the four-foot elevation. Two that are most notably at risk are Petrini's and Sarle's on the south side of Spa Creek. Proper maintenance of those facilities docks, ramps, lifts and sheds are essential to mitigation of damage from flood.

5.3.3. Hurricanes

Of the two projects identified in previous mitigation plans regarding specific hurricanes, only half of one has been implemented. Those that have yet to be implemented are projects known as:

Project P: Using tools already developed by other governments in the State of Maryland, customize and distribute brochures and other educational materials on hurricane preparedness, shelter locations and use, boater safety – in both English and Spanish. This project carries a medium priority level and will be completed by the Spring of 2013. It will be produced by the Office of Emergency Management and professionally printed at an approximate cost of \$200.

Project Q: Offer training programs to residents and property owners on mitigation measures such as window boarding and flood damage prevention. This project carries a medium priority level and will be completed within two years by staff at the Office of Emergency Management. The cost will be minimal.

5.3.4. Severe Thunderstorm

Project R specific to severe thunderstorms has been implemented by using tools already developed by other governments in the State of Maryland. Brochures and other educational materials on severe weather tips have been customized and distributed in both English and Spanish.

5.3.5. Tornado

Project R specific to tornados has been implemented by using tools already developed by other governments in the State of Maryland. Brochures and other educational materials on severe weather tips have been customized and distributed in both English and Spanish.

5.3.6. Severe Winter Weather

Of the six projects identified as specific to severe winter weather, only one has yet to be implemented. That project is known as:

Project U: Provide public education (on safe driving and driving only if it is required; also stock up on food, water, batteries, and other supplies) to prepare people for the storm. This project carries a medium priority level and will be completed within two years by staff at the Office of Emergency Management. The estimated cost is minimal.

The following projects have been implemented:

Project S ensures that residents are forewarned and prepares the City with supplies to face winter storms.

Project T ensures that adequate quantities of salt and sand are stocked to expedite road clearing.

Project V protects utilities, including underground pipelines, and avoids other disruptions of utilities that may be impacted and interrupted from exposure to hazards such as hail, icy conditions, high winds, etc.

Project W ensures that vegetation that lies in close proximity to utilities are examined and trimmed on a regular basis by BGE and, wherever possible, power lines are installed underground.

Project X seeks to increase community awareness and introduces the concept of buffers (pruning back overhanging branches from trees) and windbreaks (planting tall trees to reduce wind velocity or low shrubs to trap snow) to protect against winter storms and winds.

6.0 PLAN MAINTENANCE

This plan is the City of Annapolis's road map for:

- Evaluating hazards
- Identifying resources and capabilities
- Selecting appropriate actions
- Developing and implementing mitigation measures to eliminate or reduce future damage from those hazards in order to protect the health, safety, and welfare of the residents in the community

This plan also identifies procedures for keeping the plan current and updating it at least once every five years, as prescribed by the Disaster Relief & Emergency Assistance Act (42 U.S.C. §§ 5121-5207).

6.1 Monitoring and Evaluating the Plan

Monitoring, evaluating, and updating the plan are critical to maintaining its relevance. Effective implementation of mitigation activities paves the way for continued momentum in the planning process. It also gives direction for the future.

Office of Emergency Management will oversee the progress made on the implementation of the identified action items and update the plan, as needed, to reflect changing conditions. City Staff involved with other planning efforts in The City of Annapolis will be asked to participate in this process.

Evaluation of the plan includes not only checking on whether or not mitigation actions are implemented but also assessing their degree of effectiveness. This is done through a review of the qualitative and quantitative benefits (or avoided losses) of the mitigation activities. These are then compared to the goals and objectives that the plan was intended to achieve. Office of Emergency Management also evaluates mitigation actions to see if they need to be modified or discontinued in light of new developments.

6.2 Public Involvement

Office of Emergency Management involves the public during the evaluation and update of the plan through annual public education activities and participation, including annual public meetings. The public is notified through a newspaper advertisement. The City of Annapolis website serves as a means of communication by providing information about mitigation initiatives.

6.3 Updating the Plan

Throughout the hazard analysis and vulnerability assessment, descriptions of missing or inadequate data indicate some areas in which the City of Annapolis could improve its ability to identify vulnerable structures. As the City of Annapolis works to increase its overall technical capacity and implement their comprehensive planning goals, it will also attempt to improve their ability to identify assets vulnerable to hazards.

The plan will be updated every five years, as required by the DMA 2000, or following a disaster. The Office of Emergency Management oversees the update of the plan. The updated plan accounts for any new developments in the City of Annapolis or special circumstances (post-disaster). Issues that

come up during monitoring and evaluation, which require changes in mitigation strategies and actions, are incorporated in the plan.

**Attachment A
Sign In Sheets from Mitigation Planning Committee Meetings**

Hazard Mitigation Planning Update Planning Committee Meeting - April 19, 2012 REGISTRATION/SIGN IN				
Attendee	Department/Agency	Email	Phone	
1	MATT SHAWK	msawks@amherst.edu	410-262-7916	
2	Shawn Blumpler	shumpler@amherst.edu	410-263-9945	
3	Virginia Burkko	vburkko@amherst.edu	410-263-7161	
4	MARIE JAMES	MARIEJAMES@RAUD.CO.VT.US	405-7349	
5	John Messias	john.messias@amherst.edu	410-263-7916	
6	Pat Fosse	fossepat@amherst.edu	410-263-7162	
7	David Marshall	dmarras@amherst.edu	410-263-7167	
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Siga In 12-01-11 OEM

~~John Mounser~~

FRANK BAPT DARP

Virginia Buzell P+Z

San Ponce DPW

Robin Clark OEM

DANTE JACOBELLI OEM

John Boney Fire

Dave Marshall OEM

Al Pesay OEM

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-25-13

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
5/13/13			8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/13/13		

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A RESOLUTION concerning

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National Preservation Month 2013

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FOR the purpose of proclaiming May 2013 as National Preservation Month in the City of Annapolis.

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WHEREAS, historic preservation in Annapolis is an effective tool for promoting economic development, supporting heritage tourism, maintaining community character, and enhancing the City's livability for Annapolitans of all ages, walks of life and ethnic backgrounds; and

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WHEREAS, the stewardship and recognition of our community's unique landmarks has been a part of the City's legacy since 1897; and

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WHEREAS, there are historically significant places in every neighborhood that residents value as community landmarks; and

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WHEREAS, "See! Save! Celebrate!" is the theme for National Preservation Month, May 2013, co-sponsored by the City of Annapolis and the National Trust for Historic Preservation; and

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WHEREAS, each Alderwoman and Alderman recognizes, on behalf of their Ward, an outstanding community landmark worthy of the theme, "See! Save! Celebrate!" and encourages all Annapolitans to see these places, work to save them and celebrate their vital role in the community.

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NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that May 2013 is proclaimed as National Preservation Month in the City of Annapolis, and calls upon the people of Annapolis to join their fellow citizens across the United States in recognizing and participating in this special observance.

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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

EXPLANATION

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

Policy Report

R-25-13

National Preservation Month 2013

The proposed resolution would proclaim May 2013 as National Preservation Month in the City of Annapolis.

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

**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-26-13

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13			8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/20/13		
Finance	5/20/13		

A RESOLUTION concerning

Special Event Applications - III

FOR the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.

WHEREAS, the Annapolis City Council adopted R-14-12 on April 23, 2012 that enacted a moratorium on administrative approvals of major special events at City Dock; and

WHEREAS, R-14-12 shall expire on April 23, 2013 or on the effective date of a forthcoming comprehensive special event ordinance (see pending ordinance O-4-13); and

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

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

1 **WHEREAS,** the following applicants seek to hold special events in the City in 2013
 2 (complete details are included in the attached staff report);
 3 • Annapolis Striders (10-mile Run: August 25)
 4 • Chesapeake Bay Yacht Racing Association (CBYRA) (Annapolis Race
 5 Week: August 31-September 2)
 6 • Annapolis High School (Homecoming Parade: October 25)
 7 • Maritime Republic of Eastport (Tug of War: November 2)
 8 • Semper Fi Fund (John Ripley Memorial Race: November 10)
 9 • Second Wind Productions (Annapolis Running Classic: November 23)
 10 • Annapolis Jaycees (Grand Illumination: December 1)
 11 • Eastport Yacht Club (Lights Parade: December 14).
 12

13 **NOW THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City
 14 Council authorizes the above special events and exempts from the R-14-12 moratorium the
 15 Annapolis Striders 10-mile Run, the Annapolis High School Homecoming Parade, the Maritime
 16 Republic of Eastport Tug of War, the Semper Fi John Ripley Memorial Race, the Second Wind
 17 Productions Annapolis Running Classic, and the Eastport Yacht Club Lights Parade.
 18

19 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
 20 merchandise in the Historic District are allowed in conjunction only with the approved special
 21 events (CBYRA Annapolis Race Week and the Maritime Republic of Eastport Tug of War) and
 22 in the geographic location(s) of the approved special events.
 23

24 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be
 25 a waiver of fees for the Grand Illumination and the Eastport Yacht Club Lights Parade.
 26

27 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be
 28 no waiver of full fees for any other approved special event in this resolution. Notwithstanding
 29 any other provision of law, the Director of Finance shall determine the full fees incurred by the
 30 City government and the organizers of the event shall reimburse the City for full fees.
 31

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

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

38 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-26-13

Special Event Applications

The proposed resolution would authorize Council approval of the following special events under the three categories, below:

- Vendor Sales in the Historic District [Chapter 7.40.090 A.]
- Moratorium on Administrative Approvals of Major Special Events at City Dock [R-14-12]
- Waiver of fees [Chapter 6.04.210 D.4.]

The Annapolis Striders

Event: Annapolis Ten-Mile Run

Council Action: Moratorium on Administrative Approvals (road closures)

Sales: Stadium only

Location: Navy-Marine Stadium

Dates: Sunday, August 25, 2013 (grandfathered under policy of No-Sunday races)

Event Time: 7:00 a.m.-9:45 a.m.

Property Use Time: 3:00 a.m.-10:00 a.m.

Participants: 4,700 runners

Attendees: visitors to and residents of Annapolis

Admission fee: \$65.00 to race participants; free to attendees

Street closures: see route narrative below

Posted no parking: none

Amplified music: Navy-Marine Stadium

Food/Beverage: food and beverage (alcoholic and non-alcoholic); merchandise

City Services: full cost paid

- 1) DNEP: Exempt Peddlers permit to sell event merchandise; temporary structures
- 2) APD: police for traffic control and road closures
- 3) AFD: EMS service at start/finish
- 4) ABC Board: alcoholic beverage license

Detailed Run Route Narrative Description

- Exit Stadium West Parking lot and turn right onto Taylor Ave.
- Turn Right onto Cedar Park Rd.
- Turn Right onto Farragut Rd.
- Turn Right onto Rowe Blvd.
- Bear Right around East side of Church Cir.
- Bear Left off Church Cir. Onto Main St.
- Turn Left onto Randall St.
- Turn Left onto King George St.

- Turn Right onto Rt. 450, cross Naval Academy Bridge
- Bear Right onto Homewood Rd.
- Turn Left onto Homewood Rd.
- Turn Left onto Ferry Farms Rd.
- Turn Right onto Elmwood Rd.
- Turn Right onto Rt. 648
- Bear Left onto Rt. 648
- Reverse at Rt. 50
- Turn Right at Severn Ridge Rd. to Rt. 450
- Merge onto Rt. 450, Cross Naval Academy Bridge
- Turn Left onto Taylor Ave.
- Cross Rowe Blvd. to South Stadium entrance
- Turn Right onto grass on south side of stadium
- Turn Right into West Stadium Parking lot
- End in front of Stadium banquet facility on West Side

CBYRA

Event: CBYRA Annapolis Race Week

Council Action: Vendor Sales in Historic District

Sales: event related merchandise

Location: Susan Campbell Park

Date: Saturday-Monday, August 31-September 2, 2013

Event Time: Noon-9 p.m.

Property Use Time: Setup 8 a.m. Friday, August 30; Breakdown 12:00 p.m. Tuesday, September 3, 2013

Participants: CBYRA members and volunteers

Attendees: race participants and guests

Street closures: None

Post no parking: No

Admission fee: None

City Services: full cost paid

1) DNEP: Exempt peddlers permit to sell in Historic District

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Annapolis High School

Event: Homecoming Parade

Council Action: Moratorium on Administrative Approvals (road closure)

Sales: none

Posted no parking: 10 metered parking Calvert St. between West St. and Northwest St.

Location: Calvert St. to West St. to Main St. to Randall St.

Dates: Friday, October 25, 2013

Event Time: 5:30-6:15 p.m.

Property Use Time: 4:45-6:15 p.m.

Participants: Annapolis HS Marching Band

Attendees: visitors to and residents of Annapolis

Admission fee: public, none

Street closures: Calvert St. at West; West St to Church Circle; Church Circle; Main St.;
Randall St. (rolling close/open)

Amplified music: none

Food: none

City Services: paid in full

- 1) ADOT: posting of 10 parking meters and lost revenue
- 2) APD: traffic management and road closures

EMS service provided within normal AFD 911 service.

The Maritime Republic of Eastport (MRE)

Event: Tug of War

Council Action: Vendor Sales in Historic District; Moratorium on Administrative Approvals
(posted no parking)

Sales: food and beverages (alcoholic and non-alcoholic); merchandise

Location: Susan Campbell Park; City Dock

Date: Saturday, November 2, 2013

Event Time: 10:00 a.m.-5:00 p.m.

Property Use Time: Setup 8 a.m.; Breakdown 6:00 p.m.

Participants: MainStreets Partnership and MRE volunteers; Tug participants

Attendees: open to the general public

Street closures: None

Post no parking: 36 metered parking spaces City Dock; 2nd St. Eastport

Admission fee: None

Amplified music: Susan Campbell Park; 2nd St., Eastport

City Services: full cost paid

- 1) DNEP: Exempt peddlers permit to sell in Historic District; temporary structures permit
- 2) ADOT: posting of no parking labor and recovered cost
- 3) ABC Board: alcoholic beverage license
- 4) APD: two officers on site at Susan Campbell Park and Eastport

EMS service provided within normal 911 service.

Semper Fi Fund

Event: 5th Annual John Ripley Memorial Race

Council Action: Moratorium on Administrative Approvals (road closure)

Sales: none

Posted no parking: none

Location: Navy-Marine Corps Stadium

Dates: Sunday, November 10, 2013

Event Time: 9-10 a.m.

Property Use Time: 6 a.m.-10:30 a.m.

Participants: Semper Fi Fund volunteers and event runners

Attendees: visitors and residents of Annapolis

Admission fee: public, none

Street closures: Route below; in City Dock: Randall Street from Main to Prince George Street

Amplified music: at Stadium only—pre-recorded music; announcements

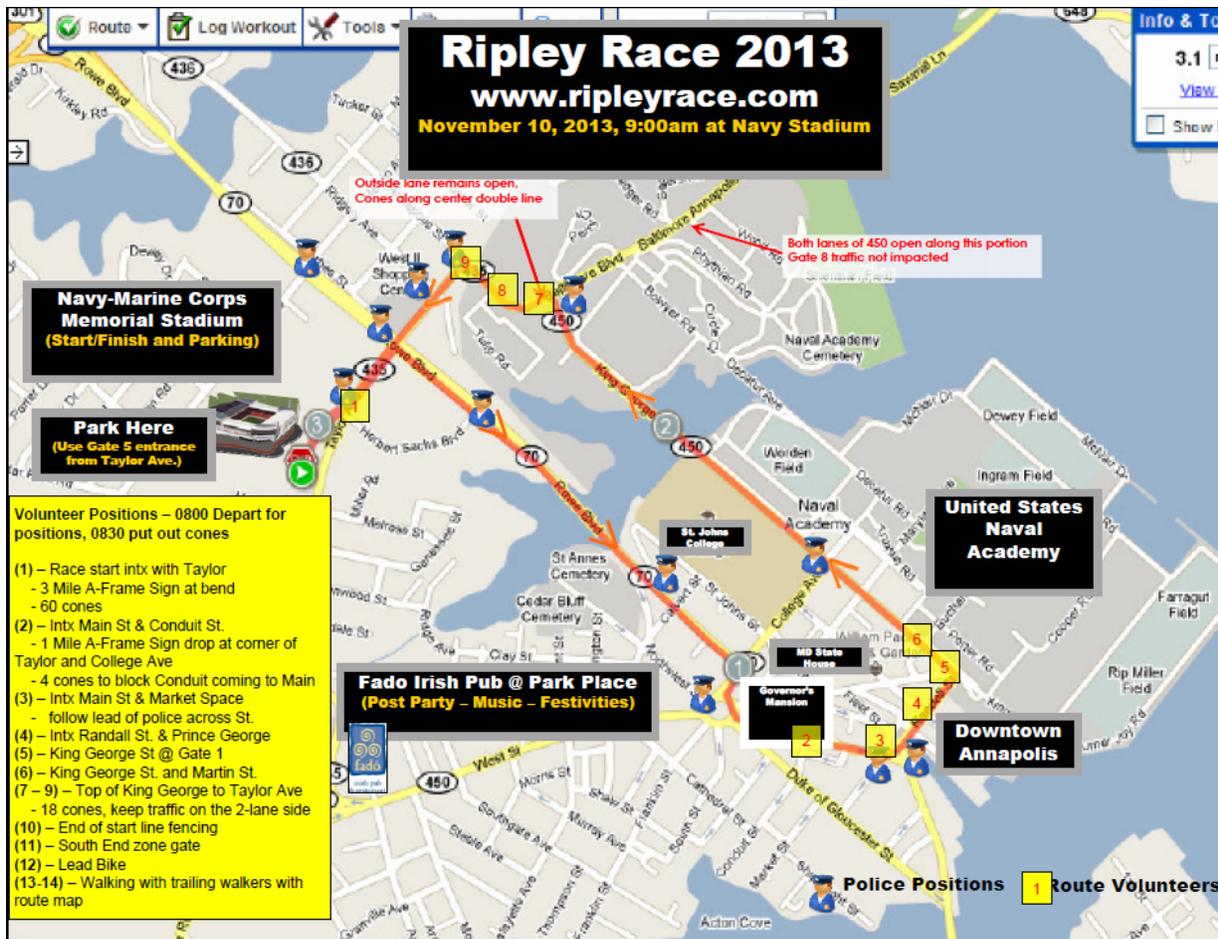
Food: none served or for sale

City Services: full cost paid

1) APD: Police route management

2) AFD: EMS on site

RUN ROUTE: below (start and finish only in City)



Second Wind Productions

Event: Annapolis Running Classic (previously TCS Half Marathon)

Council Action: Moratorium on Administrative Approvals (posted no parking)

Sales: Navy-Marine Stadium only

Location: Navy-Marine Stadium

Dates: Saturday, November 23, 2013

Event Time: 7:30 a.m.-10:00 a.m.

Property Use Time: 3:30 a.m.-10:15 a.m.

Participants: 4,000 runners

Attendees: visitors to and residents of Annapolis

Admission fee: \$70 to race participants; free to attendees

Street closures: see route narrative below

Posted no parking: none

Amplified music: Navy-Marine Stadium

Food/Beverage: food and beverage (alcoholic and non-alcoholic); merchandise

City Services: full cost paid

1) DNEP: Peddlers permit to sell event merchandise; temporary structures

Annapolis Jaycees

Event: Grand Illumination

Council Action: Waiver of Fees

Sales: none

Posted no parking: 23 metered parking spaces

Location: Market Space

Dates: Sunday, December 1, 2013

Event Time: 5:00-8:00 p.m.

Property Use Time: 3:30-9:00 p.m.

Participants: Jaycees volunteers

Attendees: visitors to and residents of Annapolis

Admission fee: none, open to the public

Street closures: Market Space from Main Street to Fleet Street

Amplified music: pre-recorded music; announcements

Food: hot chocolate for a donation to the Jaycees

City Services: paid in full

- 1) Special Event application
- 2) Solicitors' Permit

City Services: Request for waiver of cost

- 1) APD: Police traffic management; road closure
- 2) ADOT: posting of no parking and recovery of cost

EMS service provided within normal AFD 911 service.

Eastport Yacht Club

Event: 31st Annual Eastport Yacht Club Lights Parade

Council Action: 1) Waiver of dockage fees and electricity for boat decorating; parking spaces for boat parade decorating participants; 2) Moratorium on Administrative Approvals (no parking posted)

Sales: none

Posted no parking: 20 spaces at Susan Campbell Park, 2 days on December 14-15, 2013

Location: Susan Campbell Park; seawall at Dock Street; dingy dock area; seawall beside Fawcett's

Dates: Saturday, December 14

Event Time: 9-10 a.m.

Property Use Time: 12:00 p.m. December 12 to 12:00 p.m. December 15

Participants: boat owners with their boats

Attendees: visitors and residents of Annapolis

Admission fee: public, none

Street closures: none
Amplified music: none
Food: none

City Services:

- 3) ADOT: posting of 20 Circulator: normal route; adjusted times possible
- 4) Harbormaster: dockage fee waiver requested

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Prepared by Michelle LeFurge, Special Events Coordinator at mmlefurge@annapolis.gov.

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Resolution No. R-27-13

4 Introduced by: Mayor Cohen
5
6
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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
5/20/13			8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	5/20/13		

8
9 **A RESOLUTION** concerning

10 **Rehabilitation of Timothy House and Redevelopment of Timothy Gardens**

11 **FOR** the purpose of approving the rehabilitation of Timothy House and redevelopment of
12 Timothy Gardens Project-based Section 8 properties in Annapolis, Maryland to be
13 financed either directly by the Department of Housing and Community Development (the
14 "Department") of the State of Maryland or through the Department's Community
15 Development Administration (the "Administration").

16 **WHEREAS,** the City of Annapolis recognizes that there is a significant need for decent, safe
17 and sanitary housing for families of low or limited incomes; and

18
19 **WHEREAS,** the National Foundation for Affordable Housing Solutions, Inc., a Maryland
20 corporation, proposes to develop and operate a rental housing development
21 comprised of approximately 60 units, known as Timothy House and 28 units
22 known as Timothy Garden, which is located on West Washington Street,
23 Pleasant Street and Monument Street, all of which will assist families of low or
24 limited income as required by applicable law or regulations; and

25
26 **WHEREAS,** the Department, either directly or through the Administration, may provide
27 some or all of the financing for the Project (the "Project Financing") in order to
28 assist in making it financially feasible; and

29
30 **WHEREAS,** the applicable law, regulations and Departmental requirements necessitate
31 approval of the Project and the Project Financing by the City of Annapolis and.
32

33 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that it approves
34 the Project Financing in the form of a loan in the approximate amount of \$13,184,259.
35
36

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City
2 Council hereby approves this Resolution.

3
4 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Clerk
5 shall send copies of this Resolution shall be sent to the Secretary of Housing and Community
6 Development of the State of Maryland and the County Executive of Anne Arundel County.

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

Staff Report

R-27-13

Rehabilitation of Timothy House and Redevelopment of Timothy Gardens

The proposed resolution would approve the rehabilitation of Timothy House and redevelopment of Timothy Gardens Project-based Section 8 properties in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").

The Department requires that the local government approve the financing application to its Community Development Administration for the Rental Housing Works Program.

The Redevelopment of Timothy House & Gardens

The National Foundation for Affordable Housing Solutions, Inc., (NFAHS) plans to acquire, rehabilitate, and redevelop Timothy House and Timothy Gardens. Both properties are two multifamily housing properties in the Clay Street neighborhood, which serve low and moderate-income persons. Timothy House serves elderly and disabled residents and Timothy Gardens houses families. Both were built in 1978 and are subsidized by an existing Project-Based Section 8 Housing Assistance Payment contract, which ensures that residents pay no more than 30% of their income for housing expenses.

Timothy House

Timothy House is a six-floor, 60-unit mid-rise restricted to the elderly and disabled. Many of the building's systems have reached the end of their useful lives, and the exterior skin of the building has aged and settled, water intrusion into residential units has become an increasing problem. Additionally, the building offers minimal security to residents, with intrusions off the street a regular occurrence. The ground floor common areas provide few resident supportive amenities. The projected rehabilitation costs for Timothy House are \$1,800,000 (\$30,000 per unit) in construction costs.



NFAHS states that the rehabilitation for Timothy House will last 10 months and without the need for relocating the tenants. The scope of work includes renovations to unit interiors, ADA unit retrofits, mechanical, plumbing, and boiler room upgrades, installation of a new roof, and a comprehensive fix to the building's envelope. NFAHS plans changes to the common area, which include a new community room with television and ample seating, kitchenette with breakfast bar and café seating, a card lounge, a fitness area, a cyber-lounge, and relocated management office with increased visibility to the entry vestibule. None of these uses currently exist in the building.

Timothy House is flanked on both sides by open green space that largely goes unused. The redevelopment plan integrates these spaces with the interior common area uses thus enabling and encouraging residents to spend more outdoors congregating with one another. Improvements will be made to the landscaping, exterior brick, and entry canopy, adding greatly to the attractiveness of what is otherwise a non-descript building.

NFAHS states that although the general contractor will be on site for the better part of a year, individual residents should only see minor inconvenience. Each unit will only require four days to renovate. Each morning, the resident will come down to a hospitality center set up in the common area to spend the day. During the day, the construction team will focus on one aspect of the unit and complete all work relating to it (e.g., on Monday, all renovations to the kitchen will be performed). By early evening, the resident may return to the fully functional unit. By the end of the week, the rehabilitation of that unit will be complete. Aside from work to the interior and exterior common areas, that resident will not be further disturbed by the process.

Additional highlights of the scope:

- Replace built-up roof with white TPO roofing.
- Replace all existing windows with simulated divided light windows.
- Install Energy Star appliances in all units (refrigerators), and common areas (washers and dryers).
- Convert all interior and exterior lighting to comparable LED fixtures.
- Replace carpet and flooring in all units.
- Install new boiler, chiller, and building plumbing systems.

Timothy Gardens

Timothy Gardens is a composed of 21 town homes within five buildings. The site is two blocks north of Timothy House and is one of the last major rental properties in Clay Street to see redevelopment. Timothy Gardens suffers from all the same issues that afflict the nearby public housing communities: severe underinvestment and deferred maintenance, failing structural integrity in buildings, a lack of ADA accessibility, and poor site security. According to NFAHS, rehabilitating the town homes would cost more than half the cost of building anew. Sole rehabilitation would leave unaddressed the insidious crime and flooding issues that can only be solved by taking down the existing units and making infrastructural changes to the site itself. The projected redevelopment costs for Timothy Gardens are more than \$2,500,000 (nearly \$98,000 per unit) in construction costs.

Redevelopment of Timothy Gardens will require just less than a year to complete. The demolition and new construction of 28 new town homes will only take nine to ten months. However, an additional 30 to 60 days are necessary to move current residents to their temporary units in other nearby communities prior to construction commencement and to move those residents back in to the new units once construction is complete.



View of signage and typical side view of residential buildings



View of subject from West Washington St.



View of typical front side of residential buildings



Another view of typical front side

Prior to the close of financing and the acquisition of the property, a plan for relocation preparation will go into effect. With the help of the Housing Authority of the City of Annapolis, NFAHS will hire HACA to work with the residents determine their needs, identify the best locations for temporary living, and provide logistical support for the physical move. HACA has experience with temporary relocation as more than 200 households were relocated during the redevelopment of the College Creek and Obery Court. According to NFAHS, HACA has already identified comparable area units that will keep disruption to the daily lives of Timothy Gardens' residents to a minimum.

As part of the relocation process, tenants will continue to pay their rent in exactly the same fashion as they do currently. The development team will manage the leasing, moving, and subsidy payment processes. Current residents will only have to have belongings ready for transport. Funds for moving services will be provided via project funds. Upon completion of construction, all current residents will have the first opportunity to qualify for the new units. All current residents in compliance with the terms of their existing leases should qualify for the new units.

In addition to replacing the existing 21 government-assisted town homes, the new Timothy Gardens will include seven more unsubsidized town homes reserved for residents making less than 60% of the area median income. The current 21 town homes are all three-bedroom units

with one full and one-half bathroom. The new 28 town homes will have three bedrooms, two full bathrooms, and one-half bathroom. None of the current town homes provides accessibility to those with physical disabilities. Two of the new units will be fully accessible, and the site will be brought into compliance with all related modern codes. All new units will have all new Energy Star appliances, meet Green standards for energy efficiency, and comply with all current fire, health, and safety codes.

The combined redevelopment of Timothy House & Gardens requires nearly \$17,000,000 in reinvestment capital. For Timothy House, much of the cost is for long-deferred maintenance to the structure and systems – modernizing wherever possible, but in large part bringing the building up to current codes. Timothy Gardens has far more intrinsic issues that can only be solved by installing storm water management technology, fixing the site grading, replacing the obsolescent units, and arranging the layout of the buildings to promote visibility, safety, and community.

The bulk of the funding will come through state-issued low-income housing tax credits and tax-exempt bonds. However, NFAHS has also requested of the state additional funding of more than \$1,000,000 via energy-efficiency related programs and the Governor-sponsored Rental Housing Works program.

Prepared by: Theresa Wellman, Planning and Zoning, (410) 263-7961 tcw@annapolis.gov.