

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

October 8, 2012 7:00 p.m.

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

Mayor Cohen
Alderman Arnett
Mayor Cohen
City Clerk Watkins-Eldridge

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award to Glenda Smith

Mayor Cohen

PETITIONS, REPORTS AND COMMUNICATIONS

Presentation
Approval of Journal of Proceedings

United Way

Regular Meeting September 10, 2012
Special Meeting September 24, 2012

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-33-12 **Modifications to City Code on Refuse and Recycling Services** – For the purpose of modifying the City Code related to the City of Annapolis’ provision of refuse and recycling services.

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
9/10/12	10/8/12	9/13/12	12/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	9/10/12		
Economic Matters	9/10/12		

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. *Continued from September 24, 2012.*

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council’s adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	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		
Planning Commission	7/23/12	10/4/12	Available 10/8/12

LEGISLATIVE ACTION
ORDINANCES and RESOLUTION – 2nd READER

O-18-12 **The Process for Approving City Employee Job Descriptions** – For the purpose of shifting the authority to approve City of Annapolis civil service employee job descriptions from the City Council to the Civil Service Board and creating a job description approval process for exempt service positions.

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
6/18/12	7/23/12	6/20/12	9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12	10/2/12	Favorable w/ amd. Amd. Available 10/8/12

O-22-12 **Multi-Family Dwellings in the BR Zoning District** – For the purpose of permitting multi-family dwellings in the BR zoning district.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/29/12	9/10/12	7/18/12	8/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/29/12	9/18/12	Favorable
Planning Commission	5/29/12	7/5/12	Favorable

R-38-12 **Establishment of Council Compensation Commission** – For the purpose of establishing a Council Compensation Commission to make recommendations to the City Council on the pay and compensation for the Mayor and City Council to be effective for the four year period beginning December 2, 2013; and matters generally relating to said pay and compensation.

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
9/10/12	N/A	9/13/12	12/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	9/10/12	9/18/12	Favorable w/ amd.

ORDINANCES – 1st READER

O-31-12 Merging the Transportation Board and Parking Advisory Commission – For the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

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
10/8/12			1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/8/12		
Rules	10/8/12		
Transportation	10/8/12		

BUSINESS AND MISCELLANEOUS

1. Appointments
2. Budget Transfer

UPCOMING CITY COUNCIL EVENTS

Work Session; Thursday, October 18, 2012 1:30-4:30 p.m. City Council Chambers
Special Meeting; Monday, October 22, 2012 7:00 p.m. City Council Chambers

Jessica Cowles
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October 1, 2012

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: **Sunday, October 7, 2012 and Monday, October 8, 2012**

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

NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, October 8, 2012 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

- O-33-12 Modifications to City Code on Refuse and Recycling Services** – For the purpose of modifying the City Code related to the City of Annapolis' provision of refuse and recycling services.

- 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.

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>

DRAFT
REGULAR MEETING
September 10, 2012

The Regular Meeting of the Annapolis City Council was held on September 10, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:04 p.m.

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

Absent on Roll Call: Alderman Pfeiffer arrived at 7:10 p.m., and Alderman Kirby arrived at 7:14 p.m

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Director of Services Smith, Public Works Director Jarrell, Assistant to the Director of Public Works Director Patrick, Refuse & Yardwaste Supervisor Scrivener, Development & Special Projects Coordinator LeFurge

Approval of Agenda

- Alderman Paone moved to approve the Regular Meeting Agenda. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited the members of the HACA Board, the City Council and Public Works Director Jarrell to join him in presenting the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the twenty-seventh recipients of the prestigious Martha Wood Leadership Award to the following Public Works Employees:

1. Purnell Contee, Sr.
2. Purnell Contee, Jr.
3. Robert Brown
4. Troy Henson
5. Travis Johnson
6. Vernon Brooks
7. John Dorsey
8. Joseph Wallace
9. Mathew Contee
10. Nardar Jones
11. Clifton Gough
12. Antonio Savage
13. Albert Johnson
14. Vernon Hicks
15. Timothy Nevin
16. Travis Johnson
17. Howard Johnson
18. Michael Bannon
19. Kevin Brown
20. F. Philip Scrivener

Recognition of Service

Mayor Cohen invited City Manager Mallinoff to present to Norman Masterson a City Council Citation and Plaque in recognition of his 30 years of service to the City of Annapolis as a member of the Building Board of Appeals.

QUARTERLY UPDATE TO THE CITY COUNCIL

HACA Board of Commissioners

Commission Chairman Snowden presented the Housing Authority of the City of Annapolis, Mayor and City Council joint quarterly report dated September 10, 2012. Commission Members present:

1. Jeffrey C. Henderson
2. Cynthia A. Carter, Vice Chair
3. Elizamae Robinson
4. Vincent O. Leggett, Executive Director

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Arnett moved to approve the Journal of Proceedings for the Regular Meeting July 9, 2012 and the Special Meeting of July 23, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

Steven Conn, 1111 Van Buren Street, Annapolis, Maryland 21403 spoke on the use of the Eastport Community Center as a polling location for the FY 2013 Municipal Elections, and his concerns regarding the shooting incident in his neighborhood.

Former Alderwoman Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke on the use of the Eastport Community Center as a polling location, and requested the proposed resolution renaming part of Bates Street "Abney Lane" receive city council action prior to October 25, 2012.

- Mayor Cohen declared petitions, reports and communications closed.

PUBLIC HEARING

O-22-12 Multi-Family Dwellings in the BR Zoning District – For the purpose of permitting multi-family dwellings in the BR zoning district.

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

Spoke in favor of the ordinance:

Reverend Louis J. Boston, 31 W. Washington Street, Annapolis, Maryland 21401 representing 1st Baptist Church

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

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 7/5/12.
- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS

ORDINANCES and RESOLUTION – 1st READER

O-33-12 Modifications to City Code on Refuse and Recycling Services – For the purpose of modifying the City Code related to the City of Annapolis' provision of refuse and recycling services.

- Alderman Arnett moved to adopt O-33-12 on first reader. Seconded. CARRIED on voice vote

Referred to the Housing and Human Welfare and the Economic Matters Committees.

R-38-12 Establishment of Council Compensation Commission – For the purpose of establishing a Council Compensation Commission to make recommendations to the City Council on the pay and compensation for the Mayor and City Council to be effective for the four year period beginning December 2, 2013; and matters generally relating to said pay and compensation.

- Alderman Arnett moved to adopt R-38-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

R-40-12 “Pathways to Opportunities” Family Enhancement and Resident Leaders’ Conference: October 20, 2012 – For the purpose of endorsing and supporting the “Pathways To Opportunities” Family Enhancement and Resident Leaders’ Conference on October 20, 2012 developed by the Housing Authority of the City of Annapolis (HACA).

Development & Special Projects Coordinator LeFurge was present and answered questions from Council.

- Alderman Arnett moved to adopt R-40-12 on first reader. Seconded. CARRIED on voice vote.

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

- Alderman Arnett moved to adopt R-40-12 on second reading. Seconded.
- Aldermen Arnett moved to amend R-40-12 as follows:

Amendment #1

Page 1, Line 11: strike “Enhancement and Resident Leaders” and replace with “Self-Sufficiency”

Page 1, Line 13: strike “Enhancement and Resident Leaders” and replace with “Self-Sufficiency”

Page 1, Line 23: strike “Enhancement and Resident Leaders” and replace with “Self-Sufficiency”

Page 2, Line 11: strike “Enhancement and Resident Leaders” and replace with “Self-Sufficiency”

Page 2, Line 12: strike “Support” and replace with “Self-Sufficiency”

Page 2, Line 19: strike “Enhancement and Resident Leaders” and replace with “Self-Sufficiency” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

CARRIED: 8/1

R-41-12 Phelps Lane – For the purpose of declaring that Middle Way shall be renamed “Phelps Lane” to honor the contributions of the Phelps Family to the City of Annapolis.

- Alderwoman Hoyle moved to adopt R-41-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee.

- Mayor Cohen requested R-41-12 be added to the Special Meeting Agenda for September 24, 2012.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:12 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

DRAFT
A SPECIAL MEETING
September 24, 2012

A Special Meeting of the Annapolis City Council was held on Monday, September 24, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 6:11 p.m.

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

Staff Present: Assistant City Attorney Elson

BUSINESS AND MISCELLANEOUS

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

- Alderman Arnett moved to have a closed meeting on Monday, September 24, 2012 Immediately following this meeting in accordance with Maryland State Government Article Sections § 10-508 (a) (7):

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

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 5/0

The Council moved into closed session at 6:13 p.m.

- Alderman Paone moved to adjourn the closed session at 7:09 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 7:09 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

DRAFT
SPECIAL MEETING
September 24, 2012

The Special Meeting of the Annapolis City Council was held on September 14, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:13 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Fire Chief Stokes, Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons, Planning and Zoning Director Arason, Police Chief Pristoop, GIS Coordinator Wampler

Closed Session

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

A closed session of the City Council was held at 6:11 p.m., Monday, September 24, 2012 in the City Council Chamber.

Present: Mayor Cohen, Alderman Israel, Alderwomen Hoyle, Finlayson, Alderman Arnett, Alderman Paone arrived at 6:17 p.m., Alderman Kirby arrived at 6:56 p.m. and Alderman Pfeiffer arrived at 6:58 p.m.

Staff Present: Assistant City Attorney Elson, City Attorney Hardwick arrived at 6:55p.m.

On a roll call vote by the majority of the members present the session was closed.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (7):

The purpose of the meeting was to consult with counsel to obtain legal advice on legal matters.

The session topic was:

Quarterly Update on Litigation

Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:09 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

City Partnership

Mayor Cohen invited Alderwoman Finlayson and Chief Pristoop to join him in presenting to Richard McFeely representing the FBI the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for being a great partner to the City of Annapolis Police Department.

Youth Skating Trip

Mayor Cohen invited Alderwoman Finlayson and Chief Pristoop to join him in presenting to Cpl. Duane Daniels the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for his efforts to provide our children with a fun-filled recreation opportunity.

Backpack Distribution in Ward 4

Mayor Cohen invited Alderwoman Finlayson to join him in presenting to Jus Cruzin Corvette Club the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for their support for children's education.

Susan G. Komen for the Cure

Fire Chief Stokes and Fire Lieutenant Spriggs presented the Council with Susan G. Komen for the Cure Tee Shirts and shared the detail regarding their fund raising efforts for Breast Cancer Awareness Month.

Comments by the General Public

Ellen Valentino, 30 Pinkney Street, Annapolis, Maryland 21401 representing MDDC Press Association spoke on O-16-12.

PUBLIC HEARING

CA-4-12 Designating Emergency Preparedness and Risk Management Responsibility to the City of Annapolis Fire Department – For the purpose of making the City Charter consistent with the City Code by designating emergency preparedness and risk management responsibility to the City of Annapolis Fire Department.

Fire Chief Stokes and Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons were present and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

O-27-12 Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing Their Alcoholic Beverage Licenses – For the purpose of removing the requirement that a certified public accountant attest to the ratio reports that restaurant class alcoholic beverage licensees must provide when renewing their licenses and instead allowing the owner to provide a sworn statement regarding the ratio of food and liquor sales.

Spoke in favor of the ordinance:

Brian Cahalan, 49 West Street, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

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.

Planning and Zoning Director Arason was present and answered questions from Council.

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

- Mayor Cohen declared the public hearing open for the purpose of receiving the Planning Commission Findings.

LEGISLATIVE ACTIONS

ORDINANCE and RESOLUTIONS – 2ND READING

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

- Alderwoman Finlayson moved to postpone O-16-12 on second reading until the Special Meeting of October 22, 2012. Seconded. CARRIED on voice vote.

R-34-12 Establishing a Fine for Violations of Distributing Unsolicited Materials – For the purpose of establishing a fine for violations of distributing unsolicited materials.

- Alderwoman Finlayson moved to postpone R-34-12 on second reading until the Special Meeting of October 22, 2012. Seconded. CARRIED on voice vote.

R-41-12 Phelps Lane – For the purpose of declaring that Middle Way shall be renamed “Phelps Lane” to honor the contributions of the Phelps Family to the City of Annapolis.

Fire Chief Stokes, Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons and GIS Coordinator Wampler were present and answered questions from Council.

- Alderman Arnett moved to adopt R-41-11 on second reading. Seconded.
- Alderwoman Finlayson moved to amend R-41-11 as follows:

To change all references in R-41-12 from “Phelps Lane” to “George and Marion Phelps Lane”. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Alderman Silverman requested his name be added as a co-sponsor to R-41-12.

CHARTER AMENDMENTS, ORDINANCES and RESOLUTIONS – 1ST READING

CA-1-12 Non-Partisan Elections – For the purpose of amending the Charter of the City of Annapolis to provide for non-partisan elections for the offices of Mayor and Aldermen and Alderwomen; filling vacancies in these offices; and removing partisan consideration in the composition and membership of the Board of Supervisors of Elections.

- Alderman Arnett moved to adopt CA-1-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

CA-2-12 Municipal Elections Coinciding with State of Maryland Elections in 2018 and Onward – For the purpose of amending the Charter of the City of Annapolis to establish the dates of the primary and general elections to coincide with the State of Maryland in 2018 and extending

the length of time in office for the incoming City Council in December 2013 an additional year to December 2018 in order to facilitate this transition period.

- Alderman Pfeiffer moved to adopt CA-2-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

CA-3-12 City Finance Requirements – For the purpose of amending the Charter of the City of Annapolis to establish an unrestricted fund balance as part of the annual budget process, authorizing an Audit Committee; and setting a time line for the Finance Director to provide the Comprehensive Annual Financial Report to the City Council.

- Alderman Arnett moved to adopt CA-3-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

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.

- Alderwoman Hoyle moved to adopt O-36-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee

O-30-12 Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Residential Zoning Districts – For the purpose of designating certain areas for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in residential zoning districts.

- Alderman Arnett moved to adopt O-30-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee

R-39-12 Fines Schedule Updated for Violations of Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Undesignated Areas within Residential Zoning Districts – For the purpose of establishing a fine for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in undesignated areas within residential zoning districts.

- Alderman Paone moved to adopt R-39-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

R-42-12 Colonel John Ripley Memorial 5K Race – For the purpose of authorizing City Council approval of the Colonel John Ripley Memorial 5K Race per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; and the reimbursement of full fees to the City for the cost associated with the event.

- Alderman Arnett moved to adopt R-42-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters.

R-43-12 Eastport Yacht Club Lights Parade – For the purpose of authorizing City Council approval of the Eastport Yacht Club Lights Parade per R-14-12, implementing a moratorium on administrative approvals for events at City Dock and waiving the reimbursement of full fees to the City for the cost associated with the event on December 8, 2012.

- Alderwoman Hoyle moved to adopt R-43-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Finance and the Economic Matters Committee.

R-44-12 TCS Annapolis Half Marathon – For the purpose of authorizing City Council approval of the TCS Annapolis Half Marathon per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating Saturday, December 1, 2012 as a date for the sale of arts-related merchandise in the Historic District in conjunction with the event; and the reimbursement of full fees to the City for the cost associated with the event. Date needed

- Alderman Arnett moved to adopt R-44-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee.

R-45-12 Abney Lane – For the purpose of declaring that South Bates Street in the College Creek Terrace Community shall be renamed “Abney Lane” to honor the contributions of the Abney Family to the City of Annapolis.

- Alderman Arnett moved to adopt R-45-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee.

- Alderwoman Hoyle requested her name be added as a co-sponsor to R-45-12.

BUSINESS and MISCELLANEOUS

1. Appointments

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

The Rules and City Government Committee reported favorable on the appointment.

9/24/12 Alcoholic Beverage Control Board.....Michael F. Miron

- Alderman Kirby requested the appointment of Michael F. Miron to the Alcoholic Beverage Control Board be postponed until the Regular Meeting of October 8, 2012. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Arnett, Aldermen Israel

NAYS: Aldermen Pfeiffer, Paone, Alderwomen Hoyle, Finlayson

CARRIED: 5/4

The Economic Matters Committee reported favorable on the appointments.

9/24/12 Economic Development Corporation Board.....Johnny R. Calhoun
 9/24/12 Port Wardens.....Randall W. Adams
 9/24/12 Port Wardens.....Gene Edwin Godley
 9/24/12 Port Wardens.....Willie Sampson

9/24/12 Port Wardens.....Lawrence W. Littig
9/24/12 Recreation Advisory Board.....Christina Aist
9/24/12 Recreation Advisory Board.....Patricia Dawn Moyer
9/24/12 Recreation Advisory Board.....Virginia M. Rankin
9/24/12 Recreation Advisory Board.....John Rodger Moyer
9/24/12 Recreation Advisory Board.....Frank P. Montgomery
9/24/12 Recreation Advisory Board.....Raymond A. Lowman
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:42 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-33-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/10/12			12/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	9/10/12		
Economic Matters	9/10/12		

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AN ORDINANCE concerning

Modifications to City Code on Refuse and Recycling Services

FOR the purpose of modifying the City Code related to the City of Annapolis' provision of refuse and recycling services.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Chapter 10.16
Section 17.40.265
Section 17.40.740

BY repealing the following portions of the Code of the City of Annapolis, 2011 Edition
Chapter 10.18

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

CHAPTER 10.16 – [GARBAGE AND REFUSE] SOLID WASTE

Article I - General Provisions

10.16.005 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. ["Ashes" means the residue from the burning of wood, coal, coke or other combustible materials.] "APPROVED REFUSE CONTAINER" MEANS A CONTAINER MEETING THE REQUIREMENTS OF SECTION 10.16.030 AND USED FOR HOLDING

1 SOLID WASTE.

2 B. "BULK ITEMS" MEANS HOUSEHOLD ITEMS SUCH AS SOFAS, CHAIRS, TABLES,
3 TOILETS, KITCHEN CABINETS, CARPETING, MATTRESSES, BOX SPRINGS,
4 DRESSERS, LARGE TELEVISIONS, AND PICNIC TABLES. APPLIANCES AND METAL
5 ITEMS SUCH AS BED FRAMES, REFRIGERATORS, STOVES, AND DISHWASHERS
6 AND METAL OBJECTS OVER THREE FEET IN LENGTH OR WEIGHING MORE THAN
7 20 POUNDS EACH ARE ALSO BULK ITEMS. BULK ITEMS SHALL NOT INCLUDE
8 MATERIALS THAT ARE COLLECTED IN THE RECYCLING PROGRAM OR
9 CONSTRUCTION MATERIAL/ REMODELING DEMOLITION DEBRIS.

10 C. "COMMERCIAL" MEANS OCCUPIED WITH OR ENGAGED IN COMMERCE OR
11 WORK INTENDED FOR COMMERCE, INCLUDING NON-PROFIT AND RELIGIOUS
12 ORGANIZATIONS.

13 D. "COMMINGLED" MEANS THAT PAPER, GLASS, PLASTIC, AND CANS MAY BE
14 PLACED IN THE SAME CONTAINER.

15 [B] E. "Dead animals" means small dead animals, not exceeding [seventy] FIFTY pounds
16 each in weight, which die in the normal course of community activity, and excluding
17 condemned animals, animals from slaughterhouses and other animals normally
18 considered as industrial refuse.

19 F. "DISPOSITION" MEANS THE TRANSPORTATION, PLACEMENT, OR
20 ARRANGEMENT OF RECYCLABLE MATERIALS FOR ALL POSSIBLE END USES
21 EXCEPT DISPOSAL AS REFUSE.

22 [C. "Garbage" means putrescible animal and vegetable wastes resulting from the
23 handling, preparation, cooking or consumption of foods.]

24 G. "GENERATOR" MEANS THE LANDLORD OR MANAGEMENT COMPANY
25 RESPONSIBLE FOR REMOVAL OF SOLID WASTE.

26 H. "GLASS" MEANS CLEAR AND COLORED GLASS BOTTLES AND CONTAINERS.
27 GLASS SHALL NOT INCLUDE CRYSTAL, CERAMICS, LIGHT BULBS, PLATE
28 WINDOWS, OR LAMINATED, WIRED, OR MIRRORED GLASS.

29 I. "MULTI-UNIT COMMUNITY" MEANS TEN OR MORE APARTMENTS,
30 TOWNHOUSES OR CONDOMINIUMS LOCATED ON A SINGLE PROPERTY OR
31 CONTIGUOUS PROPERTIES UNDER COMMON OWNERSHIP OR MANAGEMENT,
32 INCLUDING PUBLIC-ASSISTED HOUSING. FOR THIS PURPOSE, "UNIT" MEANS AN
33 ENCLOSED SPACE THAT CONSISTS OF ONE OR MORE ROOMS OCCUPYING ALL
34 OR PART OF A FLOOR OR FLOORS IN A BUILDING OF ONE OR MORE FLOORS OR
35 STORIES, BUT NOT THE ENTIRE BUILDING, AND THAT IS DESIGNED FOR USE AS A
36 SINGLE RESIDENCE.

37 J. "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION,
38 ASSOCIATION, COOPERATIVE ENTERPRISE, TRUST, MUNICIPAL AUTHORITY,
39 FEDERAL INSTITUTION OR AGENCY, STATE INSTITUTION OR AGENCY,
40 MUNICIPALITY, OTHER GOVERNMENTAL AGENCY OR ANY OTHER ENTITY OR ANY
41 GROUP OF SUCH PERSONS WHICH IS RECOGNIZED BY LAW AS THE SUBJECT OF
42 RIGHTS AND DUTIES. IN ANY PROVISIONS OF THIS CHAPTER PRESCRIBING A
43 FINE, PENALTY, OR IMPRISONMENT, THE TERM "PERSON" INCLUDES THE

1 OFFICERS AND DIRECTORS OF A CORPORATION OR OTHER LEGAL ENTITY
2 HAVING OFFICERS AND DIRECTORS.

3 K. "PLASTIC" MEANS ITEMS MADE FROM MOLDABLE SYNTHETIC, NATURAL, OR
4 ORGANIC MATERIALS AND FORMED INTO SHAPES, FURNITURE, TOYS, ETC.

5 L. "RECYCLABLE MATERIALS" MEANS THE FOLLOWING MATERIALS AND ANY
6 FUTURE MATERIALS THAT HAVE A USEFUL PHYSICAL OR CHEMICAL PROPERTY
7 INCLUDING, BUT NOT LIMITED, TO: NEWSPAPERS, MAGAZINES AND CATALOGS;
8 BOOKS; CARDBOARD AND PAPER BOXES; FILE FOLDERS; PACKING PAPER;
9 COLORED PAPER; WRAPPING PAPER; PIZZA BOXES; CORRUGATED BOXES;
10 COMPUTER PRINTOUTS; OFFICE PAPERS; ENVELOPES; PAPER BAGS;
11 TELEPHONE BOOKS; JUNK MAIL; ALUMINUM; GLASS BOTTLES; JARS; STEEL AND
12 FERROUS CANS; AND CONTAINERS INCLUDING AEROSOL CANS, HDPE- NATURAL
13 AND HDPE- COLORED, PET- HIGH GRADE. THE CITY WILL ENCOURAGE THE
14 RECYCLING OF OTHER MATERIALS AS MARKETS DEVELOP AS DETERMINED BY
15 THE DIRECTOR OF PUBLIC WORKS.

16 M. "RECYCLING" MEANS ANY PROCESS BY WHICH MATERIALS ARE COLLECTED,
17 SEPARATED OR PROCESSED, AND RETURNED TO THE ECONOMIC MAINSTREAM
18 IN THE FORM OF RAW MATERIALS OR PRODUCTS.

19 [D] N."Refuse" means all solid waste materials including garbage, [rubbish and ashes,]
20 dead animals, street cleanings and solid market and industrial wastes, but not human
21 excreta or building construction wastes.

22 O. "RESIDENTIAL" MEANS USED OR DESIGNED FOR RESIDENCE OR LIMITED TO
23 RESIDENCES.

24 [E. "Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of paper,
25 cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals and similar
26 materials. It also includes tree trimmings, yard and street sweepings and weeds.]

27 P. "SOLID WASTE" MEANS REFUSE, RECYCLABLES, YARD WASTE, AND OTHER
28 WASTE MATTER, NOT TO INCLUDE EXPLOSIVES, POISONS, CORROSIVES,
29 FLAMMABLE LIQUIDS, HOT ASHES AND COALS, MEDICAL WASTE, OR OTHER
30 SIMILAR HAZARDOUS MATERIALS AND WASTES.

31 [F] Q."Wastes" means all unwanted materials, including liquid and solid materials.

32 R. "WASTE MINIMIZATION" MEANS THE VOLUNTARY REDUCTION BY THE
33 CONSUMER OF THE VOLUME OF REFUSE ENTERING THE SOLID WASTE STREAM.

34 S. "YARD TRIMMINGS" MEANS GRASS CLIPPINGS, WEEDS, DISCARDED PLANTS,
35 LEAVES, BRANCHES, BRUSH, AND TREE WOOD WASTE UP TO FOUR INCHES IN
36 DIAMETER AND NO LONGER THAN FOUR FEET IN LENGTH.

37

38 **10.16.010 – CURBSIDE PLACING AND REMOVAL OF APPROVED REFUSE CONTAINERS**

39 APPROVED REFUSE CONTAINERS SHALL BE PLACED CURBSIDE BY 6:00 A.M. ON THE
40 SCHEDULED COLLECTION DAY. RESIDENTS SHALL PLACE MATERIALS TO BE

1 COLLECTED IN AN APPROVED REFUSE CONTAINER OR PACKAGED AS OTHERWISE
2 PERMITTED IN THIS SECTION AT THE CURB NO EARLIER THAN 6:00 P.M. PRECEDING
3 THE SCHEDULED COLLECTION DAY. APPROVED REFUSE CONTAINERS SHALL BE BE
4 REMOVED FROM THE SIDEWALK NO LATER THAN 12:00 A..M. FOLLOWING THE
5 SCHEDULED COLLECTION DAY. IN THE HISTORIC DISTRICT, AS DEFINED IN SECTION
6 21.56.030, APPROVED REFUSE CONTAINERS MUST BE REMOVED FROM PUBLIC VIEW.

7

8 **10.16.015 – SOLID WASTE CONTRACT**

9 A. NOTHING CONTAINED IN THIS CHAPTER SHALL BE CONSTRUED TO INTERFERE
10 WITH OR IN ANY WAY MODIFY THE PROVISIONS OF ANY EXISTING CONTRACT WHICH
11 IS IN FORCE IN THE CITY ON THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN
12 THIS CHAPTER.

13 B. NO RENEWAL OF ANY EXISTING SOLID WASTE COLLECTION CONTRACT UPON
14 THE EXPIRATION OF THE ORIGINAL TERM AND NO NEW CONTRACT FOR THE
15 COLLECTION, TRANSPORTATION, PROCESSING OR PURCHASE OF SOLID WASTE OR
16 RECYCLABLES SHALL BE ENTERED INTO AFTER THE EFFECTIVE DATE OF THE
17 ORDINANCE CODIFIED IN THIS CHAPTER, UNLESS SUCH RENEWAL OR SUCH
18 CONTRACT CONFORMS TO THE REQUIREMENTS OF THIS CHAPTER.

19 C. FAILURE OF A SOLID WASTE CONTRACTOR TO CONFORM TO THE
20 REQUIREMENTS OF THIS CHAPTER SHALL RESULT IN THE IMPOSITION OF A FINE
21 AUTHORIZED BY RESOLUTION OF THE CITY COUNCIL.

22

23 **10.16.017 [10.16.150] - Compliance with placement requirements.**

24 SOLID WASTE [Refuse, rubbish, ashes and other material] placed for collection in a manner
25 which does not meet the requirements outlined in [Article II of] this chapter [shall] MAY not be
26 collected AT THE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS.

27

28 **Article II – [Accumulation and Storage] RESIDENTIAL REFUSE**

29 **10.16.020 - Containers—Providing for collection.**

30 For [an] areaS in which the City provides refuse collection, the owner [or occupant of every
31 premises] OF UNITS [who wishes to have refuse from that premises collected] shall provide
32 APPROVED refuse containers FOR STORAGE OF SOLID WASTE BETWEEN COLLECTIONS
33 [at a place convenient and satisfactory to the Director of Public Works]. ON THE DAY OF
34 COLLECTION, REFUSE SHALL BE PLACED AT THE CURB OR A LOCATION APPROVED
35 BY THE DIRECTOR OF PUBLIC WORKS. The provisions of this article govern refuse
36 containers, their use and placement. [Refuse shall be collected solely from premises which have
37 complied with these provisions.]

38

1 **10.16.030 - Containers—Specifications[—Placement].**
2

3 A. THE OWNERS OF RESIDENTIAL UNITS SHALL BE RESPONSIBLE FOR ENSURING
4 APPROVED REFUSE CONTAINERS ARE PROVIDED WITH SUFFICIENT VOLUME TO
5 STORE ALL SOLID WASTE BETWEEN COLLECTIONS.
6

7 B. REFUSE SHALL BE:
8

- 9 1. PLACED IN PLASTIC BAGS WITH ALL OPENINGS SECURELY CLOSED, AND
10 2. SHALL BE STORED IN APPROVED REFUSE CONTAINERS AT ALL TIMES.

11 C. APPROVED Refuse containers shall:

12 [A] 1. Be durable;

13 [B] 2. Be rust-resisting;

14 [C] 3. Be easily washable and nonabsorbent;

15 [D] 4. Be watertight;

16 [E] 5. Have TIGHT[close]-fitting covers OR LIDS [in place];

17 [F] 6. Have adequate handles;

18 [G] 7. Have a maximum capacity PER CONTAINER of thirty-two gallons;

19 8. BE CLEARLY MARKED WITH MINIMUM 3" HIGH NUMBERS AND LETTERS
20 INDICATING THE ADDRESS OF THE UNIT FOR WHICH REFUSE IS BEING
21 COLLECTED;

22 [J] 11. Not be sold or furnished by the City or by its employees.

23 [H. Be placed on the sidewalk no sooner than twelve hours preceding the scheduled time
24 for collection; provided, that a commercial establishment shall not place its container on
25 the sidewalk until it has closed for business preceding the collection;]

26 [I. Be removed from the sidewalk no later than twelve hours following the scheduled
27 time for collection; and in the historic district as defined in Section 21.56.030, be removed
28 from view from a public way; however, a commercial establishment which is open for
29 business shall remove its containers immediately following collection;]

30
31 **10.16.035 [10.16.040] - Containers—Use of another's.**

32 The owner or occupant of any premises which is entitled to refuse collection shall not place
33 refuse from the premises in the containers of another premises or in public containers.

34 **[10.16.060 - Rubbish.]**

35 [Rubbish may be stored in containers with garbage. Bulky rubbish, not contaminated with
36 putrescible organic matter, such as tree trimmings, weeds and large cardboard boxes shall be
37 cut and tied securely in bundles not to exceed four feet in length nor fifty pounds in weight.

1 Leaves, weeds, grass, shrubbery trimmings and other garden cuttings may be stored in open
2 containers or synthetic bags made for that purpose.]

3

4 **[10.16.070 - Ashes.]**

5 [All ashes shall be placed in metal containers with close-fitting covers supplied for this purpose
6 by the householder. Ashes will not be removed when the receptacle is filled so full that it cannot
7 be carried without spilling nor when the combined weight of container and contents exceeds
8 seventy-five pounds. Ashes containing hot embers shall not be placed out for collection.]

9

10 **10.16.040 [10.16.080] - Dead animals.**

11 All small dead animals, such as rodents, birds and kittens, shall be wrapped securely and
12 placed in containers as specified for REFUSE [garbage and rubbish]. Larger dead animals,
13 such as dogs and cats, shall not be disposed of with REFUSE [garbage and rubbish] but shall
14 be removed AND DISPOSED OF BY [the County Animal Control Agency, Society for
15 Prevention of Cruelty to Animals or by] the ANIMAL owner.

16

17 **10.16.050 - Out-of-Area Collection**

18

- 19 A. THE DIRECTOR OF PUBLIC WORKS MAY HAVE SOLID WASTE COLLECTED BY CITY
20 EMPLOYEES OR BY INDEPENDENT CONTRACTORS.
21 B. RESIDENTS RESIDING AT THE END OF CITY STREETS THAT MAY BE IN ANNE
22 ARUNDEL COUNTY, BUT NOT WITHIN THE CITY'S SERVICE AREA, MAY REQUEST IN
23 WRITING TO BE SERVICED BY THE CITY OF ANNAPOLIS AND TO PAY THE SAME
24 RATE AS A CITY RESIDENT, IF APPROVED, AT THE DISCRETION OF THE DIRECTOR
25 OF PUBLIC WORKS.
26 C. THE ANNE ARUNDEL COUNTY RESIDENTS REFERENCED IN SECTION 10.16.050B
27 ARE REQUIRED TO MEET ALL RESIDENTIAL REQUIREMENTS CONTAINED IN THIS
28 CODE, AND A MUNICIPAL CITATION MAY BE ISSUED FOR NON-COMPLIANCE. NON-
29 COMPLIANCE MAY RESULT IN TERMINATION OF CITY OF ANNAPOLIS SOLID WASTE
30 COLLECTION SERVICES.

31

32 **10.16.060 [10.16.160] - Dwelling units.**

33 A. For [garbage and] refuse collection from dwelling units within the City, an annual charge as
34 established by resolution of the City Council per dwelling unit shall be collected by the Director
35 of Finance. This charge shall be shown upon the quarterly water bill of the property owner and
36 shall be a lien upon the property.

37 B. For the purposes of this section, every apartment and condominium unit shall be
38 considered a separate dwelling unit, even though one building may contain more than one unit.

39 C. Owners or operators of apartment and condominium developments consisting of ten or
40 more dwelling units under one ownership or management may elect to furnish their own
41 [garbage and] refuse collection service, provided satisfactory evidence of service by a private
42 commercial refuse collection firm is provided to the City as set forth in Section 10.16.225.

1 D. For buildings with both residential and commercial uses, the property owner may elect to
2 consolidate residential and commercial refuse collection by a private commercial refuse hauler
3 licensed to operate in the City of Annapolis[;], provided[,] satisfactory evidence of service by the
4 private commercial refuse collection firm is provided to the City as set forth in Section
5 10.16.225.

6 E. Buildings with residential uses THAT elect to furnish their own [garbage and] refuse
7 collection service as described in this section shall also provide for their own residential
8 recycling collection service as defined in Section 10.16.020, and shall provide the Department of
9 Public Works with satisfactory evidence of such recycling service.

10

11 **10.16.070 [10.16.240] - Special home pickups.**

12 The Director of Public Works may designate certain days during the year as a free pickup period
13 and no charges for refuse pickup shall be made during those designated days.

14

15 **10.16.080 [10.16.130] - Garbage/refuse violation.**

16 A person who violates Sections 10.16.020, 10.16.030, 10.16.0[40]35, [10.16.050] and 10.16.100
17 of this article is guilty of a municipal infraction and is subject to a fine as established by
18 resolution of the City Council [for each repeat or continuing violation].

19

20 **[10.16.090 - Removal of unsatisfactory containers.]**

21 [The Director of Public Works, upon notification to the owner or occupant of the premises, shall
22 remove unsatisfactory storage containers from the premises of residences and establishments,
23 public and private, when the containers do not meet the requirements outlined in this article.]

24

25 **Article III – REFUSE – GENERAL [Collection]**

26 **10.16.090 [10.16.040] - Containers—Use of another's.**

27 The owner or occupant of any premises which is entitled to refuse collection shall not place
28 refuse from the premises in the containers of another premises or in public containers.

29

30 **10.16.095 – REFUSE [10.16.050 – Garbage]**

31 [Garbage] REFUSE shall be drained and wrapped before storage in a refuse container. The
32 liquid portion of garbage shall be drained into the sanitary sewer.

33 **10.16.100 - Notice to remove refuse accumulations.**

34 The Director of Neighborhood and Environmental Programs from time to time shall visit and
35 inspect all premises, yards and alleys, and where the director observes accumulations of
36 [rubbish or] refuse, shall serve notice on the [tenants or] owners of the premises to remove the

1 accumulations. Any [tenant or] owner who fails to comply with the notice within [ten] SEVEN
2 days from the time the notice is given is guilty of a municipal infraction and subject to a fine as
3 established by resolution of the City Council.

4

5 **10.16.110 - Inspections—Right of entry.**

6 The Director of Neighborhood and Environmental Programs may enter all premises, other than
7 the interior of dwellings, at all reasonable hours for the purpose of inspecti[on]NG [of] refuse
8 storage facilities and adjoining resting places and harborages of insects and rodents, and to
9 apply or require chemical treatment for the temporary control of insects and rodents.

10

11 **10.16.120 - Uncontained accumulations.**

12 [A. No person shall permit refuse, except bulky rubbish, to accumulate on any premises or
13 vacant lot except in containers as specified in this article. All persons shall provide a sufficient
14 number of proper containers to hold all refuse accumulating between collections.]

15 [B. Neither from building construction and repair nor any other wastes shall be allowed to
16 accumulate on any premises or vacant lot to create potential mosquito breeding places.]

17 A. NO PERSON SHALL PERMIT SOLID WASTE TO ACCUMULATE ON ANY PROPERTY
18 THEY OWN, OCCUPY, OR CONTROL OR VACANT LOT EXCEPT IN CONTAINERS AS
19 SPECIFIED IN THIS CHAPTER.

20

21 **10.16.130 [10.16.140] - Required—City direction.**

22 SOLID WASTE [Garbage, rubbish and other refuse, as defined in this chapter,] shall be
23 removed from dwelling units, business places and other buildings within the City under the
24 direction of the Director of Public Works, in accordance with the rules and regulations
25 established pursuant to this chapter.

26

27 **10.16.140 [10.16.190] - Rules and regulations.**

28 A. The Director of Public Works shall promulgate rules and regulations, which shall be
29 effective upon approval by the City Council, governing the placing and removing of SOLID
30 WASTE [refuse, garbage, rubbish and ashes], the amounts to be collected, and providing for
31 the assessment of charges for hauling or disposing of SOLID WASTE [refuse, garbage, rubbish,
32 ashes or waste matter,] over and above a fixed amount.

33 B. The Director of Public Works shall publish the rules and regulations in a newspaper
34 published in the City in at least two issues of general circulation within a period of five days
35 before the effective date of the rules and regulations.

36 C. The [d]Director OF PUBLIC WORKS shall not direct or authorize the collection of SOLID
37 WASTE [refuse, garbage, ashes or rubbish] over and above the FIXED amounts set by the
38 [d]Director until [such] THE REQUIRED fees or assessments are paid IN ACCORDANCE WITH

1 THE APPLICABLE [according to the] rules and regulations.

2

3 **10.16.150 – Reserved**

4

5 **10.16.160 [10.16.210] - Unauthorized tampering or collecting.**

6 No person shall tamper with, collect, transport through the streets or interfere with the contents
7 of any receptacle containing REFUSE [garbage, rubbish or ashes] except employees of the
8 City, CITY SOLID WASTE CONTRACTORS, or other designated City officials, or those persons
9 to whom special permits have been granted as provided for in Section 10.16.225.

10

11 **Article IV – RESIDENTIAL RECYCLING**

12 **10.16.170 – RECYCLING PROGRAM.**

13 THE CITY OF ANNAPOLIS RECYCLING PROGRAM AS DESCRIBED HEREIN SHALL,
14 INSOFAR AS POSSIBLE, MEET OR EXCEED THE SOLID WASTE REDUCTION GOALS AS
15 STATED IN THE ANNE ARUNDEL COUNTY SOLID WASTE MANAGEMENT PLAN
16 THROUGH CONCERTED APPLICATION OF THE PRINCIPALS OF RECYCLING AND
17 WASTE MINIMIZATION.

18

19 **10.16.180 - ESTABLISHMENT OF RESIDENTIAL CURBSIDE RECYCLING PROGRAM.**

20 A. THERE IS ESTABLISHED WITHIN THE CITY OF ANNAPOLIS A RESIDENTIAL
21 CURBSIDE RECYCLING PROGRAM FOR THE COLLECTION OF RECYCLABLE
22 MATERIALS FROM ALL RESIDENTS OF THE CITY WHOSE SOLID WASTE IS COLLECTED
23 BY OR ON BEHALF OF THE CITY.

24 B. COLLECTIONS OF RECYCLABLE MATERIALS PURSUANT TO THIS CHAPTER SHALL
25 BE MADE EVERY WEEK EXCEPT IN CASES WHERE THE COLLECTION DAY FALLS UPON
26 HOLIDAYS RECOGNIZED BY THE CITY. ALL COLLECTIONS SHALL OCCUR IN
27 ACCORDANCE WITH THE SOLID WASTE/ RECYCLING SCHEDULE PUBLICLY
28 ADVERTISED BY THE CITY.

29 C. ALL RESIDENTS OF THE CITY WITHIN THE AREA SERVICED BY THE CURBSIDE
30 PROGRAM SHOULD PLACE ALL RECYCLABLES MATERIALS INTO A CITY RECYCLING
31 CONTAINER AND PLACE THEM AT THE CURB FRONTING THEIR RESIDENCE IN THE
32 MANNER DESIGNATED BY THIS CHAPTER AND ON THE DATE SPECIFIED FOR
33 COLLECTION ON THE SCHEDULE PUBLISHED BY THE CITY.

34 D. RECYCLABLES MAY BE COMMINGLED INTO APPROVED CITY RECYCLING
35 CONTAINERS. PAPER AND CARDBOARD SHALL BE PLACED IN THE RECYCLING BIN, IN
36 PAPER BAGS, OR TIED INTO BUNDLES NOT TO EXCEED THIRTY-FIVE POUNDS IN
37 WEIGHT NOR EXCEED ONE FOOT IN THICKNESS.

1 E. CONTAINERS PLACED IN THE RECYCLING CONTAINER SHALL CONTAIN FIVE
2 PERCENT OR LESS FOOD CONTAMINATION.

3

4 **10.16.190 - UNLAWFUL ACTIVITIES—NUISANCE.**

5 A. IT SHALL BE UNLAWFUL FOR:

6 1. ANY PERSON, OTHER THAN THOSE PERSONS AUTHORIZED BY THE CITY, TO
7 COLLECT ANY DESIGNATED RECYCLABLE WHICH HAS BEEN PLACED AT THE
8 CURB FOR COLLECTION OR WITHIN A RECYCLING DROPOFF PURSUANT TO THIS
9 CHAPTER;

10 2. ANY PERSON TO VIOLATE OR TO CAUSE OR TO ASSIST IN THE VIOLATION
11 OF ANY PROVISION OF THIS CHAPTER OR ANY PROVISION OF THE CITY PLAN
12 CONCERNING RECYCLING;

13 3. ANY PERSON TO HINDER, TO OBSTRUCT, TO PREVENT OR TO INTERFERE
14 WITH THE CITY OR ANY OTHER AUTHORIZED PERSONS IN THE PERFORMANCE
15 OF ANY DUTY UNDER THIS CHAPTER OR IN THE ENFORCEMENT OF THIS
16 CHAPTER.

17

18 **10.16.200 - OTHER MEANS OF DISPOSAL.**

19 NOTWITHSTANDING ANYTHING TO THE CONTRARY, ANY RESIDENT OF THE CITY MAY
20 DONATE OR SELL ANY RECYCLABLE TO ANY OTHER PERSON, WHETHER OPERATING
21 FOR A PROFIT OR NOT FOR PROFIT; PROVIDED, HOWEVER, THAT THE PERSON
22 RECEIVING THE RECYCLABLES SHALL NOT, UNDER ANY CIRCUMSTANCES, COLLECT
23 THE DONATED OR SOLD MATERIAL FROM AN ESTABLISHED RECYCLING COLLECTION
24 ROUTE OR FROM A RECYCLING DROPOFF WITHOUT PRIOR WRITTEN PERMISSION
25 FROM THE CITY FOR SUCH COLLECTION.

26 ALL SOLID WASTE OR RECYCLING ITEMS ARE THE PROPERTY OF THE CITY OF
27 ANNAPOLIS ONCE PLACED AT THE CURB FOR COLLECTION. UNAUTHORIZED
28 REMOVAL OF SOLID WASTE OR RECYCLING ITEMS CONSTITUTES A MUNICIPAL
29 INFRACTION SUBJECT TO A FINE AUTHORIZED BY RESOLUTION OF THE CITY
30 COUNCIL.

31 **ARTICLE V – RESIDENTIAL YARD TRIMMINGS**

32 **10.16.210 - ESTABLISHMENT OF A RESIDENTIAL CURBSIDE YARD TRIMMING**
33 **RECYCLING PROGRAM.**

34 A. THERE IS ESTABLISHED WITHIN THE CITY OF ANNAPOLIS A RESIDENTIAL
35 CURBSIDE YARD TRIMMING RECYCLING PROGRAM FOR THE COLLECTION OF YARD
36 TRIMMINGS FROM ALL RESIDENTS OF THE CITY WHOSE SOLID WASTE IS COLLECTED
37 BY OR ON BEHALF OF THE CITY.

38 B. COLLECTIONS OF YARD TRIMMINGS PURSUANT TO THIS CHAPTER SHALL BE
39 MADE EVERY WEEK IN ACCORDANCE WITH THE SOLID WASTE/RECYCLING SCHEDULE

1 PUBLICLY ADVERTISED BY THE DIRECTOR OF PUBLIC WORKS.

2 C. ALL RESIDENTS OF THE CITY WITHIN THE AREA SERVICED BY THE CURBSIDE
3 PROGRAM SHOULD PLACE ALL YARD TRIMMINGS INTO A CONTAINER AND PLACE
4 THEM AT THE CURB FRONTING THEIR RESIDENCE IN THE MANNER DESIGNATED BY
5 THIS CHAPTER AND ON THE DATE SPECIFIED FOR COLLECTION BY THE SCHEDULE
6 PUBLISHED BY THE DIRECTOR OF PUBLIC WORKS.

7 D. YARD TRIMMINGS SHALL BE PLACED IN OPEN CONTAINERS, PLASTIC OR PAPER
8 LAWN BAGS CLEARLY MARKED WITH AN "X". EACH CONTAINER SHALL NOT EXCEED
9 FIFTY POUNDS IN WEIGHT.

10 E. BRANCHES AND BRUSH SHALL BE TIED WITH A NATURAL FIBER ROPE OR TWINE,
11 AND THE FINISHED BUNDLE SHALL BE NO MORE THAN TWO FEET BY FOUR FEET IN
12 SIZE, NOT EXCEED FIFTY POUNDS IN WEIGHT.

13 F. YARD TRIMMINGS SHALL NOT BE COLLECTED AS SOLID WASTE FOR DISPOSAL IN
14 A LANDFILL.

15 **ARTICLE VI – COMMERCIAL REFUSE**

16 **10.16.220 [10.16.170] - Commercial establishments—Private collection.**

17 A. Municipal collection of refuse shall not be provided to commercial establishments or
18 businesses within the City.

19 B. All commercial establishments or businesses within the City shall receive refuse collection
20 from a [licensed] CITY-PERMITTED private commercial refuse collection firm.

21 C. The owner of each commercial establishment or business within the City shall notify the
22 Department of Public Works not later than December 1st of each year, WITH the name and
23 address of the firm, a complete description of services, the terms of the services and a copy of
24 the contract for private refuse collection for the following year.

25 D. THE OWNER OF EACH COMMERCIAL ESTABLISHMENT OR BUSINESS WITHIN THE
26 CITY SHALL PROVIDE SUFFICIENT SOLID WASTE CONTAINER STORAGE CAPACITY
27 SUCH THAT THE COVERS OF SAID CONTAINERS SHALL BE COMPLETELY AND FIRMLY
28 CLOSED AT ALL TIMES.

29 E. COMMERCIAL SOLID WASTE SHALL NOT BE SET OUT FOR COLLECTION EARLIER
30 THAN 11:00 P.M. THE NIGHT PRECEDING A SCHEDULED COLLECTION DAY. APPROVED
31 REFUSE CONTAINERS FROM COMMERCIAL ESTABLISHMENTS SHALL BE REMOVED
32 FROM PUBLIC VIEW IMMEDIATELY FOLLOWING COLLECTION.

33
34 F. THE CITY HAS THE RIGHT TO ESTABLISH A SYSTEM OF FRANCHISING FOR
35 COMMERCIAL ESTABLISHMENTS WITHIN THE CITY OF ANNAPOLIS. THE CITY, BY
36 ADOPTING AN ORDINANCE, MAY ESTABLISH DESIGNATED FRANCHISE AREAS WITHIN
37 THE CITY THROUGH A COMPETITIVE PROCUREMENT TO AWARD AN EXCLUSIVE
38 FRANCHISE UNDER A FRANCHISE AGREEMENT TO ONE QUALIFIED ORGANIZATION
39 FOR THE COLLECTION OF NON-HAZARDOUS WASTE FROM COMMERCIAL
40 ESTABLISHMENTS IN THOSE AREAS. THE FRANCHISE COULD BE FOR ONLY REFUSE,

1 REFUSE AND RECYCLING, OR ONLY RECYCLING. THE CITY WOULD RESERVE THE
2 RIGHT TO TERMINATE OR MODIFY THE PRIVATE HAULERS SOLID WASTE COLLECTION
3 PERMIT, WITH A 30-DAY WRITTEN NOTICE, SHOULD THE CITY DECIDE TO FRANCHISE
4 PRIVATE HAULERS.

5
6

7 **[10.16.180 - Commercial establishments—Private collection.]**

8

9 **10.16.225 [10.16.200] - Permits for private collectors.**

10 A. No person shall engage in the collection of SOLID WASTE [refuse and garbage] from
11 homes or businesses without first having received a permit from the Director of Public Works.

12 B. Granting of the permit shall be contingent upon the approval of collection equipment and
13 disposal methods by the Director of Public Works, who may revoke any permit for cause.

14 C. An annual fee as established by resolution of the City Council shall be paid to the Finance
15 Director for each permit.

16

17 **10.16.230 [10.16.220] - Littering during removal.**

18 A. No person engaged in the removal of any SOLID WASTE [garbage and refuse] of the City
19 SHALL negligently [shall] permit any paper or other article to drop or be blown from [refuse
20 removal] COLLECTION VEHICLES [trucks]. Every load of SOLID WASTE [garbage or refuse
21 dumped from any refuse removal truck, whether dumped without or within the City, shall be
22 dumped, and light articles in the load covered,] SHALL BE COVERED so that paper or OTHER
23 light articles cannot be blown into the streets, lanes or alleys or away from any landfill.

24 B. Any person who violates this section is guilty of a municipal infraction and is subject to a
25 fine as established by resolution of the City Council.

26

27 **[10.16.230 - City landfill charges.]**

28 [A. Charges for refuse delivered to the City landfill shall be established by resolution of the
29 City Council.]

30

31 **ARTICLE VII – COMMERCIAL RECYCLING**

32 **10.16.240 - COMMERCIAL RECYCLING.**

33 A. THE DIRECTOR OF PUBLIC WORKS SHALL ESTABLISH A VOLUNTARY CURBSIDE
34 COLLECTION SERVICE FOR RECYCLABLES FROM PERSONS WHOSE PROPERTY IS
35 NOT OTHERWISE SUPPLIED WITH CURBSIDE COLLECTION SERVICE. THE DIRECTOR

1 MAY SET REASONABLE CRITERIA FOR DETERMINING ELIGIBILITY FOR PARTICIPATION
2 IN THE SERVICE FOR THOSE WHO OWN, OPERATE, OR CONTROL COMMERCIAL
3 ESTABLISHMENTS.

4 B. THERE IS A SERVICE CHARGE, TO BE DETERMINED BY THE DIRECTOR OF PUBLIC
5 WORKS, ON A PROPERTY-BY-PROPERTY BASIS BASED ON THE COST OF COLLECTION
6 FROM THAT PROPERTY, TO BE CHARGED TO EACH PERSON THAT PARTICIPATES IN
7 THE VOLUNTARY CURBSIDE COLLECTION PROGRAM.

8 C. AN AGREEMENT SHALL BE SIGNED WITH COMMERCIAL ESTABLISHMENTS
9 SEEKING VOLUNTARY COLLECTION SERVICE AND THE DIRECTOR OF PUBLIC WORKS
10 SHALL BE RESPONSIBLE FOR ENFORCING SUCH AGREEMENTS.

11

12 **ARTICLE VIII – MULTI-UNIT COMPLEX RECYCLING**

13 **10.16.250 - MULTI-UNIT COMMUNITY RECYCLING PROGRAM.**

14 A. ALL PROPERTY OWNERS OF MULTI-UNIT COMPLEXES WITHIN THE CITY OF
15 ANNAPOLIS THAT ARE NOT SERVED BY THE RESIDENTIAL CURBSIDE PROGRAM
16 ESTABLISHED PURSUANT TO THIS CHAPTER SHALL ARRANGE FOR RECYCLING
17 COLLECTION FOR THEIR RESIDENTS IN ACCORDANCE WITH THE CITY RESIDENTIAL
18 CURBSIDE RECYCLING PROGRAM FOR RECYCLABLE MATERIALS AND YARD
19 RECYCLABLE MATERIALS.

20 B. THE ARRANGEMENT FOR COLLECTION OF RECYCLABLE MATERIALS FOR
21 DISPOSITION SHALL BE THE RESPONSIBILITY OF THE PERSON WHO GENERATED THE
22 RECYCLABLES ("GENERATOR"). THE ARRANGEMENTS MAY INCLUDE, WITHOUT
23 LIMITATION, DIRECT MARKETING OF RECYCLABLES, DELIVERY TO A MATERIALS
24 RECOVERY FACILITY, CONTRACTS WITH SOLID WASTE COLLECTOR/HAULERS FOR
25 SEPARATE COLLECTION OF ANY OR ALL DESIGNATED RECYCLABLES OR CONTRACTS
26 WITH OTHER PERSONS FOR SEPARATE COLLECTION OF ANY OR ALL DESIGNATED
27 RECYCLABLES.

28 C. EACH MULTI-UNIT COMPLEX SHALL REPORT TO THE CITY, ON A SEMI-ANNUAL
29 BASIS, THE TOTAL WEIGHT OF RECYCLABLE MATERIALS THAT HAVE BEEN DIVERTED
30 FROM THE SOLID WASTE STREAM, AND THE TOTAL ESTIMATED WEIGHT OF SOLID
31 WASTE COLLECTED FROM EACH MULTI-UNIT COMMUNITY. REPORTING SCHEDULES
32 AND FORMS SHALL BE PROVIDED BY THE CITY.

33 D. EACH MULTI-UNIT COMPLEX SHALL HAVE ESTABLISHED PROCEDURES FOR THE
34 COLLECTION OF RECYCLABLES AS DESCRIBED HEREIN AND SHALL FILE THESE
35 PROCEDURES WITH THE DEPARTMENT OF PUBLIC WORKS WITHIN 180 DAYS OF THE
36 EFFECTIVE DATE OF THE ORDINANCE FOR EXISTING COMPLEXES OR AT THE TIME A
37 USE AND OCCUPANCY PERMIT IS ISSUED FOR NEW COMPLEXES.

38 E. EACH MULTI-UNIT COMPLEX RECYCLING PROGRAM MUST BE APPROVED BY THE
39 DEPARTMENT OF PUBLIC WORKS PRIOR TO IMPLEMENTATION. EACH RECYCLING
40 PROGRAM SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS SHALL INCLUDE
41 COPIES OF EXECUTED RECYCLING AND SOLID WASTE CONTRACTS (EXCLUDING

1 CONTRACT COSTS).

2 F. VIOLATIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION
3 SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

4 **Article IX [IV] - Enforcement**

5 **10.16.260 [10.16.250] - Responsibilities.**

6 The enforcement of [all] sections 10.16.030, 10.16.035, 10.16.080, 10.16.100, 10.16.110,
7 10.16.120, 10.16.170, 10.16.180, 10.16.220D. and 10.16.220 E. of this chapter are [is] the
8 responsibility of the Director of Neighborhood and Environmental Programs [with the advice and
9 consultation of the Health Officer]. VIOLATIONS OF THIS SECTION SHALL CONSTITUTE A
10 MUNICIPAL INFRACTION SUBJECT TO A FINE AUTHORIZED BY RESOLUTION OF THE
11 CITY COUNCIL.

12

13 **10.16.270 [10.16.260] - Violation—Notice.**

14 Whenever the City determines that COMPLIANCE CANNOT OCCUR IMMEDIATELY AND
15 TIME IS NEEDED TO COMPLY WITH THIS CHAPTER (I.E., INSUFFICIENT CONTAINERS
16 FOR SOLID WASTE VOLUME GENERATED AND REMOVAL OF ACCUMULATED
17 MATERIAL) [there are reasonable grounds to believe that there has been a violation of any of
18 the provisions of this chapter,] the City shall give notice of the alleged violation to the person
19 responsible for the violation, as provided in this section. The notice shall:

20 A. Be in writing;

21 B. Include a statement of the reason why it is being issued;

22 C. Allow a reasonable time for the performance of any act it requires;

23 D. Be served upon the owner or the agent of the owner [or the occupant] of the premises
24 on which the alleged violation occurred. The notice has been properly served when a copy
25 of it has been served personally, or in accordance with any other method authorized or
26 required under the laws of the state;

27 E. Contain an outline of remedial action which, if taken, will effect compliance with the
28 provisions of this chapter;

29 F. State that, unless conditions or practices described in the notice are corrected within
30 the reasonable time specified in the notice, the person involved will be subject to the
31 penalty provided for violations of this chapter.

32

33 **10.16.280 - PENALTIES**

34 A. ANY PERSON ENGAGING IN UNLAWFUL CONDUCT AS DEFINED IN THIS CHAPTER
35 SHALL CONSTITUTE A MUNICIPAL INFRACTION AND IN PROCEEDING BEFORE A
36 COURT OF COMPETENT JURISDICTION SHALL BE SUBJECT TO A FINE OF NOT MORE
37 THAN ONE THOUSAND DOLLARS AND NOT LESS THAN TWENTY-FIVE DOLLARS.

1 B. EACH CONTINUING DAY OF VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A
2 SEPARATE OFFENSE.

3

4 **10.16.290 - INJUNCTIONS—CONCURRENT REMEDIES.**

5 A. IN ADDITION TO ANY OTHER REMEDY PROVIDED IN THIS CHAPTER, THE CITY
6 MAY INSTITUTE A SUIT IN EQUITY WHERE UNLAWFUL CONDUCT OR PUBLIC
7 NUISANCE EXISTS AS DEFINED IN THIS CHAPTER FOR AN INJUNCTION TO RESTRAIN A
8 VIOLATION OF THIS CHAPTER. IN ADDITION TO AN INJUNCTION, THE COURT MAY
9 IMPOSE PENALTIES AS AUTHORIZED BY SECTION 10.16.290.

10 B. THE PENALTIES AND REMEDIES PRESCRIBED BY THIS CHAPTER SHALL BE
11 DEEMED CONCURRENT. THE EXISTENCE OR EXERCISE OF ANY REMEDY SHALL NOT
12 PREVENT THE CITY FROM EXERCISING ANY OTHER REMEDY PROVIDED BY THIS
13 CHAPTER OR OTHERWISE PROVIDED AT LAW OR EQUITY.

14

15 **[Chapter 10.18 - RECYCLING PROGRAM]**

16 **[10.18.010 - Definitions.]**

17 [As used in this chapter, the following definitions shall apply:]

18 [A. "Act" means the Maryland Recycling Act, as amended.]

19 [B. "Commingled" means that paper, glass, plastic, and cans may be placed in the same
20 container.]

21 [C. "Disposition" means the transportation, placement, or arrangement of recyclable
22 materials for all possible end uses except disposal as solid waste.]

23 [D. "Generator" means the landlord or management company responsible for removal of
24 solid waste.]

25 [E. "Glass" means clear and colored glass bottles and containers. Caps and lids should
26 be removed. Glass shall not include crystal, ceramics, light bulbs, and plate window,
27 laminated, wired, or mirrored glass.]

28 [F. "Multi-unit community" means ten or more apartments, townhouses or condominiums
29 located on a single property or contiguous properties under common ownership or
30 management, including public-assisted housing. For this purpose, "unit" means an
31 enclosed space that consists of one or more rooms occupying all or part of a floor or floors
32 in a building of one or more floors or stories but not the entire building, and that is designed
33 for use as a single residence.]

34 [G. "Person" means any individual, firm, partnership, corporation, association,
35 cooperative enterprise, trust, municipal authority, Federal institution or agency, State
36 institution or agency, municipality, other governmental agency or any other entity or any
37 group of such persons which is recognized by law as the subject of rights and duties. In
38 any provisions of this chapter prescribing a fine, penalty, or imprisonment, the term

1 "person" includes the officers and directors of a corporation or other legal entity having
2 officers and directors.]

3 [H. "Plastic" means plastic containers with symbols #1 and #2 with narrow necks, #3, #4,
4 #5, #6, #7 with narrow necks and screw tops. Recycling symbols are generally found on
5 the bottom of containers in the triangle. Caps and lids should be removed.]

6 [I. "Recyclable materials" means the following materials and any future materials that
7 have a useful physical or chemical properties included but not limited to: paper products
8 which include newspaper, magazines and catalogs; books; cardboard and paper boxes;
9 file folders, packing paper, colored paper, wrapping paper, pizza boxes, corrugated boxes;
10 computer printouts; office papers and envelopes; paper bags; telephone books; junk mail;
11 aluminum, glass bottles, and jars, steel and ferrous cans and containers including aerosol
12 cans, HDPE- natural and HDPE- colored, PET- high grade. The City will encourage the
13 recycling of other materials as markets develop as determined by the Department of Public
14 Works Director.]

15 [J. "Recycling" means any process by which materials are collected, separated or
16 processed, and returned to the economic mainstream in the form of raw materials or
17 products.]

18 [K. "Waste minimization" means the voluntary reduction by the consumer of the volume
19 of refuse entering the solid waste stream.]

20 [L. "Yard recyclable materials" means grass clippings, weeds and discarded plants,
21 leaves, branches and brush, tree wood waste up to four inches in diameter and no longer
22 than two feet in length.]

23

24 **[10.18.020 - Recycling program.]**

25 [The City of Annapolis recycling program as described herein shall, insofar as possible, meet or
26 exceed the solid waste reduction goals as stated in the Anne Arundel County Solid Waste
27 Management Plan through concerted application of the principals of recycling and waste
28 minimization.]

29 **[10.18.030 - Establishment of residential curbside recycling program.]**

30 [A. There is established, within the City of Annapolis, a residential curbside recycling program
31 for the collection of recyclable materials as stated above in Section 10.18.010(I) from all
32 residents of the City whose solid waste is collected by or on behalf of the City.]

33 [B. Collections of recyclable materials pursuant to this chapter shall be made every week
34 except in cases where the collection day falls upon holidays recognized by the City. All
35 collections shall occur in accordance with the Solid Waste/ Recycling schedule publicly
36 advertised by the City.]

37 [C. All residents of the City within the area serviced by the curbside program, established
38 pursuant to this chapter, participating in the recycling program shall place all recyclables
39 materials into a City recycling container and place them at the side of the road fronting their
40 residence in the manner designated by this chapter and on the date specified for collection by
41 the schedule published by the City.]

1 [D. No material shall be placed at the roadside earlier than the evening of the day preceding a
2 scheduled collection day. Material must be placed at the roadside by six a.m. on the scheduled
3 collection day.]

4 [E. Paper and cardboard shall be placed in the recycling bin, in paper bags, or tied into
5 bundles not to exceed thirty-five pounds in weight nor exceed one foot in thickness.]

6 [F. Containers placed in the recycling container shall contain five percent or less food
7 contamination.]

8

9 **[10.18.040 - Establishment of a residential curbside yard recycling program.]**

10 [A. There is established, within the City of Annapolis, a residential curbside yard recycling
11 program for the collection of recyclable materials as stated above in Section 10.18.010(L) from
12 all residents of the City whose solid waste is collected by or on behalf of the City.]

13 [B. Collections of recyclable materials pursuant to this chapter shall be made every other week
14 in accordance with the Solid Waste/Recycling schedule publicly advertised by the City.]

15 [C. All residents of the City within the area serviced by the curbside program, established
16 pursuant to this chapter, participating in the program shall place all yard recyclable materials
17 into a container and place them at the side of the road fronting their residence in the manner
18 designated by this chapter and on the date specified for collection by the schedule published by
19 the City.]

20 [D. No material shall be placed at the roadside earlier than the evening of the day preceding a
21 scheduled collection day. Material must be placed at the roadside by six a.m. on the scheduled
22 collection day.]

23 [E. The container used for yard recyclable materials shall be placed in open containers, large
24 paper lawn bags, or cardboard boxes clearly marked with an "X". Each container shall not to
25 exceed fifty pounds in weight.]

26 [F. Branches and brush shall be tied with a natural fiber rope or twine, and the finished bundle
27 shall be no more than two feet by four feet in size, not exceed fifty pounds in weight.]

28 [G. Yard recyclable materials shall not be collected as solid waste for disposal in a landfill.]

29

30 **[10.18.050 - Multi-unit community recycling program.]**

31 [A. All persons within the City who are residents of multi-unit communities and who are not
32 served by the residential curbside program established pursuant to this chapter shall provide
33 recycling collection in accordance with the City residential curbside recycling program:

34 1. Recyclable materials as stated in Section 10.18.030

35 2. Yard recyclable materials as stated in Section 10.18.040]

36 [B. The arrangement for collection of recyclable materials for disposition shall be the
37 responsibility of the person who generated the recyclables ("generator"). The arrangements

1 may include, without limitation, direct marketing of recyclables, delivery to a materials recovery
2 facility, contracts with solid waste collector/haulers for separate collection of any or all
3 designated recyclables or contracts with other persons for separate collection of any or all
4 designated recyclables.]

5 [C. Each multi-unit community shall report to the City, on a semi-annual basis, the total weight
6 of each recyclable material that has been diverted from the solid waste stream, and the total
7 estimated weight of solid waste collected from each multi-unit community. Reporting schedules
8 and forms shall be provided by the City. Failure to report same shall result in revocation of the
9 rental permit or fines as stated in Section 10.18.080]

10 [D. Each multi-unit community shall have established procedures for the collection of
11 recyclables as described herein and shall file these procedures with the Department of Public
12 Works within ninety days from August 8, 1994. Further, each multi-unit community shall
13 implement the procedures for the collection of recyclables as described above within one
14 hundred eighty days from August 8, 1994.]

15 [E. Each multi-unit community recycling program must be approved by the Department of
16 Public Works prior to implementation. Each recycling program submitted to the Department of
17 Public Works shall include copies of executed recycling and solid waste contracts (excluding
18 contract costs).]

19

20 **[10.18.055 - Commercial recycling.]**

21 [A. The Director of Public Works shall establish a voluntary curbside collection service for
22 recyclables from persons whose property is not supplied with curbside collection service, and
23 may set reasonable criteria for determining eligibility for participation in the service.]

24 [B. There is a service charge, to be determined by the Director of Public Works on a property-
25 by-property basis based on the cost of collection from that property, to be charged to each
26 person that participates in the voluntary curbside collection program.]

27

28 **[10.18.060 - Unlawful activities—Nuisance.]**

29 [A. It shall be unlawful for:

30 1. Any person, other than those persons authorized, to collect any designated recyclable
31 which has been placed at the roadside for collection or within a recycling dropoff pursuant
32 to this chapter;

33 2. Any person to violate or to cause or to assist in the violation of any provision of this
34 chapter or any provision of the City plan concerning recycling;

35 3. Any person to hinder, to obstruct, to prevent or to interfere with the City or any other
36 authorized persons in the performance of any duty under this chapter or in the
37 enforcement of this chapter;

38 4. Any multi-unit community subject to the terms of this chapter to not enact a plan for
39 recycling.]

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[10.18.070 - Other means of disposal.]

[Notwithstanding anything to the contrary, any resident of the City may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling dropoff without prior written permission from the City for such collection.]

[10.18.080 - Noninterference with existing contracts.]

[A. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract which is in force in the City on the effective date of the ordinance codified in this chapter.]

[B. No renewal of any existing solid waste/ recycling collection contract upon the expiration of the original term and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of the ordinance codified in this chapter, unless such renewal or such contract shall conform to the requirements of this chapter. Failure of a contract to conform to the requirements of this chapter shall result in the cancellation or withdrawal of a property owner's residential rental license or the imposition of a fine pursuant to Section 10.18.080 of this chapter.]

[10.18.090 - Penalties.]

[A. Any person who engages in unlawful conduct as defined in this chapter shall, upon conviction, in a proceeding before a court of competent jurisdiction be sentenced to pay a fine of not more than one thousand dollars and not less than twenty-five dollars.]

[B. Each continuing day of violation of this chapter shall constitute a separate offense.]

[10.18.100 - Injunctions—Concurrent remedies.]

[A. In addition to any other remedy provided in this chapter, the City may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this chapter for an injunction to restrain a violation of this chapter. In addition to an injunction, the court may impose penalties as authorized by Section 10.18.080]

[B. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the City from exercising any other remedy provided by this chapter or otherwise provided at law or equity.]

[10.18.110 - Enforcement.]

[Enforcement and administration of this chapter shall be the responsibility of the Director of

1 Public Works.]

2

3 **[10.18.120 - Appeals.]**

4 [Any person aggrieved by the requirements of this chapter as enforced by the Director of Public
5 Works may direct an appeal to the building Board of Appeals.]

6

7 **Chapter 17.40 – Residential Property Maintenance Code**

8 17.40.265 – Property Maintenance Code.

9

10 A. The International Property Maintenance Code, 2012 Edition, as published by the
11 International Code Council, Inc., a copy of which is on file in the Department of Neighborhood
12 and Environmental Programs, is adopted as the Property Maintenance Code of the City of
13 Annapolis in the State of Maryland for the control of buildings and structures with the following
14 amendments:

15

16 1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"

17

18 2. In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by
19 resolution of the City Council"

20

21 3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th -
22 October 31st"

23

24 4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October
25 31st"

26

27 5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October
28 31st"

29

30 6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of
31 the Code of the City of Annapolis.

32

33 7. IN SECTION 308, ADD THE FOLLOWING SUBSECTION TO READ AS
34 FOLLOWS:

35

36 **308.4 CITY REQUIREMENTS.** COMPLIANCE WITH CHAPTER 10.16 OF THE CODE
37 OF THE CITY OF ANNAPOLIS SHALL ALSO BE REQUIRED. WHERE THERE IS A
38 CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND THE CODE OF
39 THE CITY OF ANNAPOLIS, THE CODE OF THE CITY OF ANNAPOLIS SHALL TAKE
40 PRECEDENCE.

41

42

43 17.40.740 - Rubbish and garbage disposal—Generally.

44

45 A. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes,
46 garbage, and other organic waste in a clean and sanitary manner by placing it in approved
47 storage or disposal facilities which are safe and sanitary.

1
2 B. THE OWNER OF A DWELLING OR DWELLING UNIT [Every occupant] shall provide
3 [these] THE STORAGE OR DISPOSAL facilities for and within the dwelling unit and shall
4 maintain them in a clean and sanitary manner.

5
6 C. The owner [or operator] of a multifamily dwelling shall be responsible for the clean and
7 sanitary maintenance of common storage or disposal facilities.

8
9 D. The owner [or operator] shall be responsible further for placing out for collection all
10 common garbage and rubbish containers, except where the facilities are for the sole use of an
11 occupant, under which circumstances it is the responsibility of the occupant to place those
12 containers out for collection.

13
14 E. COMPLIANCE WITH CHAPTER 10.16 OF THE CODE OF THE CITY OF ANNAPOLIS
15 SHALL ALSO BE REQUIRED.
16

17
18 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
19 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

20
21 **ADOPTED** this _____ day of _____, _____.

22
23 ATTEST: THE ANNAPOLIS CITY COUNCIL

24
25 _____ BY _____
26 Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

27
28 **EXPLANATION**
29 CAPITAL LETTERS indicate matter added to existing law.
30 [brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

O-33-12

Modifications to City Code on Refuse and Recycling Services

Policy Report

The proposed ordinance would modify the City Code related to the City of Annapolis' provision of refuse and recycling services. The proposed ordinance would 1) combine refuse and recycling under one solid waste chapter of the City Code, Chapter 10.16; 2) provide consistency with the forthcoming solid waste contract; 3) implement best practices; and 4) begin to clarify programmatic and enforcement responsibilities between the Departments of Public Works and Neighborhood and Environmental Programs.

Prepared by: Cindy Tait, Department of Public Works, CLT@annapolis.gov or (410) 263-7949 and Jessica Cowles, City of Annapolis Office of Law, JCCowles@annapolis.gov or (410) 263-1184.

FISCAL IMPACT NOTE

Legislation No: O-33-12

First Reader Date:

9-18-12

Note Date:

9-13-12

Legislation Title: Modifications to the City Code on use and Recycling Services

Description:

For the purpose of modifying the City Code related to the City of Annapolis' provision of refuse and recycling services.

Analysis of Fiscal Impact:

Other than Section 10.16.050, analyzed below, this legislation is without significant direct fiscal impact.

The City has historically provided refuse collection services to approximately 34 Anne Arundel County homes located past the ends of City streets. Outside of their areas of refuse collection, for many years Anne Arundel County paid the City for the service, but stopped paying when the City fee for refuse collection exceeded that which the County was authorized to bill its property owners. Since then, despite unsuccessful attempts to engage with the County to achieve resolution, the City has continued to provide service to the County properties without compensation from the County and without the authorization to bill the property owners directly for the service.

This legislation would allow the residents of these properties to request City refuse collection services and be billed by the City at the same rate as in-City customers. If passed, the positive fiscal impact could be as much as \$12,920 per year in fees assuming all 34 currently identified eligible residents request and pay for service at \$380 per year. There would also be a positive fiscal impact if the County households do not request service from the City because the cost of service for those properties would be eliminated.

This legislation states that the resident is the City's customer, not the property owner. It does not provide for a property lien if the charges are not paid. The City can discontinue service for non-payment, but collections efforts could be costly. This differs from City Code section 10.16.160 (proposed to be renumbered to 10.16.060) which provides that the owner of a City of Annapolis property is the customer and unpaid charges are a lien on the property. It is recommended that section 10.16.050 of this legislation name the property owner as the customer who requests refuse collection services, and state that the charge is a lien on the real property. Even without this change, there is no fiscal impact compared to the current practice which does not bill County households, but potentially reduces the positive impact associated with the collection of fees.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-28-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/23/12			1/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/23/12		
Planning Commission	7/23/12		

8
9

AN ORDINANCE concerning

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.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 20.30.130

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

CHAPTER 20.30 – MODERATELY PRICED DWELLING UNITS.

20.30.130 - Procedures for sale and rental of MPDUs.

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

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

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

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

2. IDENTIFICATION OF WHICH MPDUS SHALL BE SOLD AND WHICH SHALL BE OFFERED FOR RENT;

29
30

- 1 [b. The number of units offered;]
- 2 [c]3. The number of bedrooms IN EACH MPDU OFFERED;
- 3 [d]4. The floor area for each [unit type] MPDU;
- 4 [e]5. A description of the amenities [offered] in each MPDU; [unit and a statement of the
5 availability of each unit for sale or rent;]
- 6 [f]6. A vicinity map of the offering; and
- 7 [g]7. Other information or documents as the Department of Planning and Zoning finds
8 necessary [to determine] FOR compliance with this chapter. [This notice by the Department of
9 Planning and Zoning shall be issued within thirty days of the date from which the applicant first
10 submitted its notice to commence marketing.]
- 11 [3]C. The Department of Planning and Zoning [will] SHALL maintain a list of eligible persons and
12 [must] SHALL SEND WRITTEN NOTICE TO [notify] eligible persons OF AN MPDU OFFERING
13 [by mail and by newspaper] prior to the start of the marketing period. THE NOTICE SHALL
14 INCLUDE A STATEMENT INDICATING THAT IF NO ELIGIBLE PERSON RESPONDS IN
15 WRITING TO THE NOTICE WITHIN FIFTEEN (15) BUSINESS DAYS AFTER THE DATE OF
16 THE NOTICE, OR IF ELIGIBLE PERSONS DO RESPOND WITHIN FIFTEEN (15) BUSINESS
17 DAYS AFTER THE DATE OF THE NOTICE BUT DO NOT QUALIFY FOR FINANCING OR
18 CANNOT PURCHASE THE MPDU FOR ANY OTHER REASON, OR IF NO ELIGIBLE
19 PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR THE MPDU WITHIN NINETY
20 (90) DAYS AFTER THE START OF THE MARKETING PERIOD, THE CITY MAY PURCHASE
21 THE MPDU AT THE PURCHASE PRICE ESTABLISHED FOR THE MPDU, BUT THAT IF THE
22 CITY DOES NOT OPT TO PURCHASE THE MPDU, THE DEPARTMENT OF PLANNING AND
23 ZONING INTENDS TO ISSUE A WRITTEN NOTICE TO THE APPLICANT AUTHORIZING
24 THE APPLICANT TO OFFER THE MPDU TO THE GENERAL PUBLIC FOR SALE. THE
25 DEPARTMENT OF PLANNING AND ZONING SHALL NOT BE REQUIRED TO ISSUE ANY
26 FURTHER NOTICE TO ELIGIBLE PERSONS BEFORE AUTHORIZING THE APPLICANT TO
27 OFFER THE MPDU FOR SALE TO THE GENERAL PUBLIC.
- 28 [4]D. An applicant [must] SHALL not sell or rent any [unit] MPDU to aN ELIGIBLE [qualified]
29 person as defined in this chapter] until such person has obtained a certificate of eligibility issued
30 by the Department of Planning and Zoning. [from the buyer or lessee. A copy of each certificate
31 must be maintained on file by the Department of Planning and Zoning.]
- 32 [5]E. IF NO ELIGIBLE PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR ANY
33 MPDU OFFERED FOR SALE WITHIN ninety (90) days after the start of a marketing period,
34 THE CITY [Department of Planning and Zoning] may purchase THE MPDU AT THE
35 PURCHASE PRICE ESTABLISHED FOR THE MPDU [a for sale MPDU if no eligible person
36 has entered into a purchase agreement or contracted to buy that MPDU]. IF THE CITY
37 PURCHASES AN MPDU UNDER THESE CIRCUMSTANCES, THE STATUS OF THE MPDU
38 AS A FOR SALE MPDU SHALL NOT CHANGE. THE CITY [The Department of Planning and
39 Zoning] shall only [rent or] sell the CITY OWNED MPDU to an eligible person AND THE CITY
40 OWNED MPDU SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER.
- 41 F. IF THE CITY OPTS NOT TO PURCHASE AN MPDU FOR WHICH NO ELIGIBLE PERSON
42 HAS ENTERED INTO A CONTRACT OF SALE WITHIN THE NINETY (90)
43 DAY MARKETING PERIOD TO ELIGIBLE PERSONS, THE DEPARTMENT OF PLANNING
44 AND ZONING SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT CONTAINING AN

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

9 [6]G. The deposit required with the sales contract for the purchase of an MPDU shall not exceed
10 one thousand dollars.

11 [7]H. Every buyer or renter of an MPDU, INCLUDING THOSE MPDUS BOUGHT OR LEASED
12 BY MEMBERS OF THE GENERAL PUBLIC UNDER THE PROVISIONS OF THIS CHAPTER,
13 [must] SHALL occupy the [unit] MPDU as his or her OR THEIR primary residence during the
14 [control] OCCUPANCY period. [Each] EVERY buyer and renter [must] SHALL certify before
15 taking occupancy that he or she OR THEY SHALL [will] occupy the [unit] MPDU as his or her
16 primary residence during [the] ANY occupancy period. The Director of Planning and Zoning may
17 require an MPDU owner who does not occupy the [unit] MPDU as [his or her] A primary
18 residence to offer the unit for resale [to an eligible person] under the [resale] provisions of THIS
19 CHAPTER [Section 20.30.140] OR MAY REQUIRE A RENTER WHO IS NOT AN ELIGIBLE
20 PERSON TO VACATE. [Every MPDU required under this chapter must be offered to the
21 general public for sale or rental to a good-faith purchaser or renter to be used for his or her own
22 primary residence, except units offered for sale or rent to a non-profit corporation, whose
23 purpose is to provide housing for persons of moderate income.]

24 [8]I. An owner of an MPDU [may] SHALL not rent the [unit] MPDU unless the renter is an
25 eligible person, and the rental is approved in writing by the Department of Planning and Zoning
26 annually. ALL ANNUAL RENTAL RENEWALS SHALL BE GOVERNED BY TITLE 17 OF THE
27 ANNAPOLIS CITY CODE.

28 [9]J. ANY MPDU OWNER WHO RENTS AN MPDU TO AN INELIGIBLE PERSON [Any rent
29 obtained for a MPDU that is rented to an ineligible person must] SHALL [be paid] PAY ALL
30 SUCH RENT into the CITY'S Homeownership Assistance Trust Fund [by the owner within
31 ninety] THIRTY (30) days after the Department of Planning and Zoning notifies the owner of the
32 rental violation. THE DEPARTMENT OF PLANNING AND ZONING MAY ASSESS THE
33 OWNER [Any amount unpaid after ninety days is grounds for the Department of Planning and
34 Zoning to assess] a monthly fee that is equal to the HUD fair market rent for the MPDU[."] FOR
35 EACH MONTH THAT RENT WAS CHARGED AND RECEIVED IN VIOLATION OF THIS
36 CHAPTER.
37

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

40
41 **ADOPTED** this _____ day of _____, _____.

42
43 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@annpolis.gov or (410) 263-1184.
29

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 Ordinance No. O-18-12

4 Introduced by: Alderman Israel
5
6
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
6/18/12			9/14/12
Rules and City Gov't	6/18/12		

8
9 **AN ORDINANCE** concerning

10 **The Process for Approving City Employee Job Descriptions**

11 **FOR** the purpose of shifting the authority to approve City of Annapolis civil service employee
12 job descriptions from the City Council to the Civil Service Board and creating a job
13 description approval process for exempt service positions.

14
15 **BY** adding the following portions to the Code of the City of Annapolis, 2011 Edition
16 Section 3.08.070

17
18 **BY** repealing and re-enacting with amendments the following portions of the Code of the
19 City of Annapolis, 2011 Edition
20 Chapter 3.12
21

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

24
25 **Chapter 3.08 – EXEMPT SERVICE**

26
27 **3.08.070 – JOB DESCRIPTIONS**

28 A. ALL EXEMPT SERVICE JOB DESCRIPTIONS, WITH THE EXCEPTION OF THE CITY
29 MANAGER, DEPARTMENT DIRECTORS, AND CONTRACTUAL EMPLOYEES, SHALL BE
30 APPROVED BY THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER THEN
31 SENT TO THE CIVIL SERVICE BOARD FOR CONSISTENCY WITH THE CLASSIFICATION
32 SYSTEM.
33

34 B. THE JOB DESCRIPTIONS FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS
35 SHALL BE REVIEWED BY THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER
36 THEN SUBMITTED TO THE CITY COUNCIL FOR APPROVAL.
37

1 C. THE JOB DESCRIPTIONS FOR CONTRACTUAL EMPLOYEES SHALL BE PREPARED
2 BY THE DEPARTMENT OF HUMAN RESOURCES THEN APPROVED BY THE DIRECTOR
3 OF HUMAN RESOURCES AND CITY MANAGER.
4

5
6 **Chapter 3.12 - CIVIL SERVICE ADMINISTRATION**
7

8 **3.12.010 - Scope of civil service.**

9 The civil service system includes all positions except those placed in the exempt service.
10

11
12 **3.12.020 - City Council—Duties.**

13 The City Council shall:

14 A. In conjunction with the adoption of the annual operating budget and whenever
15 deemed necessary, consider the recommendations of the Civil Service Board on requests
16 for the creation of new positions, the abolishment of positions and the classification and
17 reclassification of existing positions;

18 B. Adopt, by resolution, a pay plan and subsequent revisions after consideration of the
19 recommendations of the Civil Service Board;

20 [C. Adopt, by resolution, job descriptions and minimum qualifications after consideration
21 of the recommendations of the Civil Service Board.]
22
23

24 **3.12.030 - Human Resources Director—Duties.**

25 The Human Resources Director shall be responsible for:

26 A. Forwarding requests for promotions to the Civil Service Board and the administration
27 of the approved change or changes;

28 B. Maintenance of the necessary records for all employees and of the proceedings of
29 the Civil Service Board;

30 C. Supervising the soliciting, examining and selecting of applicants for all vacant
31 positions;

32 D. Disseminating information regarding actions of the Civil Service Board;

33 E. Adopting and promulgating rules and regulations governing personnel matters, not in
34 conflict with the Charter, this code or any ordinance, to implement the provisions of this
35 title. The rules and regulations shall become effective not less than forty-five days following
36 its promulgation and transmission to the City Council by the Human Resources Director,
37 unless an objection to the rules or regulations, or any portion, is registered by the City
38 Council by a resolution adopted prior to the effective date of the rules or regulations. In
39 addition to the foregoing, the City Council may adopt by resolution any rule or regulation
40 recommended by the Human Resources Director for expedited implementation. If so
41 adopted, each such rule or regulation shall become effective upon the approval of the
42 resolution.
43
44

45 **3.12.040 - Civil Service Board—Appointment.**

46 A Civil Service Board consisting of five residents of the City shall be appointed by the Mayor
47 and confirmed by the City Council. The members shall serve for terms of three years,
48 commencing on August 1st of the year in which the appointment is made, or until their
49 successors are appointed and duly qualified. The Civil Service Board shall elect a chair from its
50 membership, who shall serve for a term of two years. Any member of such board is eligible to
51 succeed himself or herself, either as chair or as a board member. A vacancy shall be filled in the

1 same manner as an original appointment for the unexpired portion of the term.
2
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4 **3.12.050 - Civil Service Board—Duties.**

5 The Civil Service Board shall be responsible for:

- 6 A. Classification and establishment of minimum qualifications for all civil service
7 positions;
- 8 B. Making recommendations to the City Council as provided in this chapter;
- 9 C. Recommendations to the appointing authorities and City Council designed to promote
10 the morale and training of the civil service employees;
- 11 D. Hearing and deciding all appeals from civil service employees as provided by Chapter
12 3.16 of this Code, intolerable working conditions and other such areas as enumerated in
13 the civil service rules[.];
- 14 E. APPROVE JOB DESCRIPTIONS FOR ALL CIVIL SERVICE POSITIONS AFTER
15 CITY MANAGER AND DIRECTOR OF HUMAN RESOURCES REVIEW. ANY
16 APPROVED JOB DESCRIPTION WITH FINANCIAL IMPLICATIONS SHALL BE
17 ADDRESSED THROUGH THE BUDGET TRANSFER PROCESS DEFINED IN SECTION
18 6.16.020 OF THE CITY CODE.
19
20

21 **3.12.060 - Classification.**

22 The Human Resources Director is responsible for the classification and the reclassification of
23 each position in the civil service system. Each position shall be classified in a job description on
24 the basis of the kind and level of duties and responsibilities assigned to the position. A job
25 description may include one position or several similar positions. The positions classified in one
26 job description shall be sufficiently alike to permit the use of a single descriptive title, the same
27 minimum qualifications, and the same pay scale. Job descriptions and any subsequent revisions
28 shall be forwarded to the [City Council] CIVIL SERVICE BOARD for approval.
29
30

31 **3.12.070 - Pay plan.**

32 A. The Human Resources Director is responsible for the preparation and maintenance of a
33 pay plan. Each job description in the civil service system shall be placed in a pay grade which
34 offers a range of pay commensurate with the duties and responsibilities enumerated in the job
35 description. The pay plan shall become effective upon the date specified in the resolution of the
36 City Council adopting the pay plan.

37 B. Revisions in the pay plan requested by appointing authorities shall be submitted to the
38 Human Resources Director. The Human Resources Director may also initiate such revisions in
39 the pay plan for any civil service employee as is deemed necessary. The Human Resources
40 Director shall forward pay plan revisions to the City Council with recommendations.

41 C. A civil service employee below the supervisory level shall not be granted an in-grade pay
42 increase without the favorable recommendation of the supervisory authority concerned. At
43 least twelve months shall elapse between each in-grade pay increase granted to any one civil
44 service employee. No employee shall be paid a salary less than the minimum nor more than the
45 maximum limits prescribed by the pay grade to which the employee's position has been
46 assigned.

- 47 2. An in-grade pay increase may be awarded only to a civil service employee who
48 exceeds the recommended minimum standards of the position the employee occupies. A
49 recommendation for an in-grade pay increase shall be based on a review of the
50 employee's performance since the last in-grade pay increase. In no case shall an in-grade
51 increase be awarded without regard to an employee's performance.

1 3. Except as changed in accordance with Section 3.04.010, an employee's anniversary
2 date shall be:

3 a. The employee's date of hire if the employee became a member of the civil
4 service system after May 1, 1980; or

5 b. The employee's review date as of March 1, 1980, if the employee became a
6 member of the civil service system on or before March 1, 1980.

7 D. Once a pay plan has been adopted, the City Council shall not increase or decrease the
8 pay of an individual employee but shall change rates of pay only by the passage of a resolution
9 revising the pay plan.

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

14
15 **ADOPTED** this _____ day of _____, _____.

16
17
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

18
19
20 **EXPLANATION**

21 CAPITAL LETTERS indicate matter added to existing law.

22 [brackets] indicate matter stricken from existing law.

23 Underlining indicates amendments.
24

Policy Report

O-18-12

The Process for Approving City Employee Job Descriptions

The proposed ordinance would shift authority for approving City of Annapolis civil service employee job descriptions from the City Council to the Civil Service Board, after City Manager and Director of Human Resources review. Any approved job description with financial implications would be addressed through the budget transfer process defined in Section 6.16.020 of the City Code.

The proposed ordinance would also establish a process for approving exempt service job descriptions. If the proposed ordinance is adopted, all exempt service job descriptions, with the exception of the City Manager, Department Directors and contractual employees, would be approved by the Director of Human Resources and City Manager then sent to the Civil Service Board for consistency with the classification system. If the proposed ordinance is adopted, the job descriptions for the City Manager and Department Directors would be reviewed by the Director of Human Resources and City Manager then submitted to the City Council for approval.

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



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 10/2/12

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

The Rules and City Government Committee has reviewed 0-18-12 and
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

delete from "then" to "system" on
Page 1 line 50
Delete section 3.12.050 and
replace with CSB recommended
language

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle N/A

Ald. Arnett yes

Meeting Date 10/2/12

Signature of Chair Richard Israel

Rules Committee amendments to O-18-12

Page One lines 30 to 32 delete “THEN SENT TO THE CIVIL SERVICE BOARD FOR CONSISTENCY WITH THE CLASSIFICATION SYSTEM.”

On page 3 line 6 change “Classification” to “Classifying” and “establishment” to “establishing”

On page 3 line 9 add the word “Making” before “recommendations”

On page 3 line 14 change “approve” to “approving”

On page 3 line 17 delete “addressed” and after “shall be” insert “subject to funding approval”

FISCAL IMPACT NOTE

Legislation No: O-18-12

First Reader Date: 6-18-12

Note Date: 6-20-12

Legislation Title: **The Process for Approving City Employee Job Descriptions**

Description: For the purpose of shifting the authority to approve City of Annapolis civil service employee job descriptions from the City Council to the Civil Service board and creating a job description approval process for exempt service positions.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-22-12

Introduced by: Alderman Paone

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
5/29/12			8/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/29/12		
Planning Commission	5/29/12		

8
9

AN ORDINANCE concerning

10

Multi-Family Dwellings in the BR Zoning District

11

FOR the purpose of permitting multi-family dwellings in the BR zoning district.

12

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 21.48.020

13

14

15

16

17

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

18

19

Chapter 21.48 – Use Tables.

20

Section 21.48.020 – Table of Uses – Commercial and Industrial Zoning Districts

USES	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Dwellings, multi-family					P-Std	P	S		S	

21

USES	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Dwellings above the ground floor of nonresidential uses	P	P			P	[P]	P	P		

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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

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EXPLANATION

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

Policy Report

O-22-12

Multi-Family Dwellings in the BR Zoning District

The proposed ordinance would permit multi-family dwellings in the BR zoning district and no longer permit dwellings above the ground floor of nonresidential uses in the BR zoning district.

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: 9/18/12

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

The Rules and City Government Committee has reviewed 0-22-12 and
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

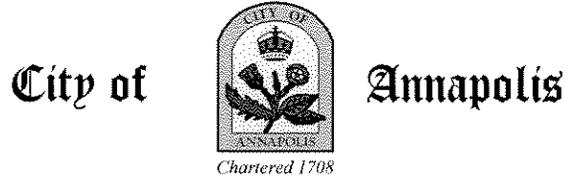
Ald. Israel, Chair YES

Ald. Hoyle YES

Ald. Arnett YES

Meeting Date 9/18/12

Signature of Chair Richard Israel



PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

July 5, 2012

To: Annapolis City Council

From: Planning Commission

Re: Findings—O-22-12 amending the BR, Business Revitalization District to allow first floor residential uses

SUMMARY

Ordinance O-22-12 proposes an amendment to the BR zoning district which would allow residential uses on the ground floor. The BR zone was developed and adopted in 1996 as a result of the *Clay Street Revitalization Plan*, and applied to properties on the corner of Clay and W Washington Streets, the Stanton Center and Elks Club on Northwest Street.

At the time of adoption, the properties on the west side of W Washington Street were zoned R4, as were the Stanton Center and Elks Club, and the properties on the east side of W Washington street were zoned B1. The plan noted that the zoning at the time did not reflect the existing pattern of development and that the commercial uses on the west side of W Washington St. were 'grandfathered' rather than permitted uses even though they were historically commercial uses. The BR zoning district was adopted to address this discrepancy and adopt employ bulk and other considerations more appropriate to traditional development patterns in the area.

Subsequent to the *Clay Street Revitalization Plan*, an economic revitalization for the Clay Street area was conducted (2008). A number of sites were analyzed including the sites zoned BR. In consideration of the building at the corner of Clay And W Washington St. the study noted that:

However, Clay Street in general has no visibility to regional traffic patterns and the building is held captive to extremely localized traffic. Therefore, on an individual basis, the building would be difficult to market for commercial uses outside of neighborhood convenience.

This study further notes that commercial uses in the BR area will not be completely viable until other commercial uses 'wrap' up Clay St. from Calvert St. to create a commercial corridor from Calvert to W Washington Streets.

STAFF RECOMMENDATION

At a regularly scheduled meeting on July 5, 2012, the Planning and Zoning staff presented their analysis and recommendations for revision of the legislation. The intent of the legislation is to provide for the rehabilitation and reuse of a currently vacant building recognizing that market conditions are not conducive to first floor commercial uses at this time.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. After the close of the public hearing, the Planning Commission entered into deliberations.

RECOMMENDATION

Under section 21.32.010 Purpose and authority of the City Code, it states the following:

For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the city council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.

The code further requires under section 21.32.020 that "Within thirty days after the commission has completed its review of the proposed amendment, but in no case longer than ninety days after the matter has been placed on the agenda of the commission, the commission shall submit its written recommendations to the city council".

Following a review of the staff report and consideration of staff and public comments, the Commission by an affirmative vote of 6-0 (with one recusal) finds that adoption of this zoning code amendment is consistent with the findings under Section 21.32.010, and recommends that Ordinance O-22-12 be adopted.

Adopted July 5, 2012



Jane C. Holzschuh
for

Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

Legislation No: O-22-12

First Reader Date: 5-29-12

Note Date: 7-18-12

Legislation Title: Multi-Family Dwellings in the BR Zoning District

Description:

For the purpose of permitting multi-family dwellings in the BR zoning district.

Analysis of Fiscal Impact:

This legislation will have no fiscal impact as it will generate permits fees offset by operating expenses.

1 CITY COUNCIL OF THE
2 City of Annapolis

3
4 Resolution No. R-38-12

5 Introduced by: Mayor Cohen
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
9/10/12			12/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	9/10/12		

8
9 **A RESOLUTION** concerning

10 **Establishment of Council Compensation Commission**

11
12 **FOR** the purpose of establishing a Council Compensation Commission to make
13 recommendations to the City Council on the pay and compensation for the Mayor, City
14 Council, and City Manager to be effective for the four year period beginning December
15 2, 2013; and matters generally relating to said pay and compensation.

16
17
18 **WHEREAS**, Article II, Section 4(b)(1), of the City Charter requires that "Not later than one (1)
19 year prior to the date of any general municipal election for the election of mayor
20 and aldermen, the city council shall appoint a commission consisting of not less
21 than three (3) nor more than seven (7) residents of the city to review the
22 compensation and allowances to be paid to the mayor and aldermen during the
23 ensuing terms of office"; and

24
25 **WHEREAS**, Article IV, Section 2B(d), of the City Charter states that "The compensation of the
26 city manager shall be fixed by the mayor according to the provisions of an
27 executive pay plan formulated by the Council Compensation Commission and
28 adopted by ordinance.

29
30 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 2013
31 Council Compensation Commission is hereby established and its membership shall consist of
32 Scott Bowling (Commission Chair), Nick Berry, Amy Burdick, Faye Currie, and Dale Kelberman.

33
34 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 2013
35 Council Compensation Commission is to submit by February 11, 2013, a resolution adopted by
36 its membership which makes specific recommendations on the salaries, fringe benefits,
37 allowable expenses, and staff support for the Mayor, eight City Council members, and City
38 Manager that would be effective on December 2, 2013.
39

1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the term of all
2 members of the Commission shall end with the publication of its report, the members shall serve
3 without compensation, the members shall elect from among their membership a vice chair and
4 secretary, the Commission meetings shall be held publicly in accordance with the Maryland
5 Open Meetings Act and Robert's Rules of Order, and testimony shall be taken from the public
6 on at least one occasion.

7
8
9 **ADOPTED** this _____ day of _____, _____.

10
11 ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

12
13
14 **EXPLANATION**

15 CAPITAL LETTERS indicate matter added to existing law.

16 [brackets] indicate matter stricken from existing law.

17 Underlining indicates amendments.

Policy Report

R-38-12

Establishment of Council Compensation Commission

Per Article II, Section 4 of the City's Charter, the proposed resolution would establish a Council Compensation Commission to make recommendations to the City Council on the pay and compensation for the Mayor, City Council, and City Manager to be effective for the four year period beginning December 2, 2013.

As part of the proposed resolution, the 2013 Council Compensation Commission is to submit by February 11, 2013, a resolution adopted by its membership which makes specific recommendations on the salaries, fringe benefits, allowable expenses, and staff support for the Mayor, eight City Council members, and City Manager that would be effective on December 2, 2013.

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: 9-18-12

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

The Rules and City Government Committee has reviewed R-38-12 and
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Request the law department to draft amendments to make the legislation consistent with existing code

Roll Call Vote:

Ald. Israel, Chair YES

Ald. Hoyle YES

Ald. Arnett YES

Meeting Date 9/18/12

Signature of Chair Richard Israel 

**Alderman Israel Amendment to R-38-12
Establishment of Council Compensation Commission**

Amendment #1

Page 1, Line 35: strike "February 11" and replace with "January 31"

Amendment #2

Page 1, Line 37: insert "and" before "allowable expenses" and strike "and staff support"

FISCAL IMPACT NOTE

Legislation No: R-38-12

First Reader Date:

9-10-12

Note Date:

9-13-12

Legislation Title: Establishment of Council Compensation Commission

Description:

For the purpose of establishing a Council Compensation Commission to make recommendations to the City Council on the pay and compensation for the Mayor, City Council, and City Manager to be effective for the four year period beginning December 2, 2013; and matters generally relating to said pay and compensation.

Analysis of Fiscal Impact:

This legislation produces no direct fiscal impact but could result in compensation and benefit increases for the Mayor, City Council, and City Manager.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-31-12

Introduced by: Alderman Pfeiffer

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
10/8/12			1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/8/12		
Rules	10/8/12		
Transportation	10/8/12		

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AN ORDINANCE concerning

Merging the Transportation Board and Parking Advisory Commission

FOR the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 2.48.320

BY repealing the following portions of the Code of the City of Annapolis, 2011 Edition
Section 12.04.030

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

CHAPTER 2.48 – BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE X – TRANSPORTATION BOARD

2.48.320 - Transportation Board.

A. Established—Duties. There is created a Transportation Board. The duties of the Board are: to provide informed analysis of the facts relating to transportation matters affecting the City and all transportation matters pending before the City Council or before any City agency, board or commission; to recommend to the Mayor and [aldermen] CITY COUNCIL, a comprehensive transportation master plan for the City; to provide oversight, guidance, and expertise in the planning of comprehensive traffic, [and] transit, AND PARKING policies. In performing its functions, the [b]Board shall:

- 1 1. Study, review and make recommendations with respect to all transportation and traffic
2 matters, INCLUDING POLICIES, LAWS, AND REGULATIONS;
- 3 2. Advise the City Council on the implementation of the transportation master plan and
4 improvement of City transportation and traffic conditions;
- 5 3. Provide a forum for citizens and residents to express their views and opinions
6 regarding transportation, traffic policies and procedures and to inform the public with
7 respect to proposals for changes in existing transportation and traffic policies and
8 procedures;
- 9 4. Assist the City in the presentation of reports, recommendations, analysis, or policies
10 to other public or quasi-public bodies whose actions may impact transportation conditions
11 within the City; and
- 12 5. Participate in activities with Anne Arundel County and the State of Maryland intended
13 to further the transportation concerns of the City.
- 14 6. PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE MAYOR OR CITY
15 COUNCIL.

16 B. Composition and Procedures.

- 17 1. The [b]Board shall consist of [eleven residents of the City] 15 MEMBERS, EIGHT
18 CITY OF ANNAPOLIS RESIDENTS (one from each ward) and [three] FIVE appointed at-
19 large, who shall be appointed by the Mayor and confirmed by the City Council for a term of
20 three years, commencing on July 1st of the year in which appointed. The appointment shall
21 designate the term of each member of the board so that the terms of not more than three
22 members of the board shall expire in any one year.

23 A. IF A WARD-SPECIFIC POSITION ON THE BOARD VACATED ON JUNE 30 OF
24 ANY YEAR IS NOT FILLED BY OCTOBER 1 OF THE SAME YEAR OR IS
25 VACATED AFTER A TERM HAS COMMENCED AND THE POSITION IS NOT
26 FILLED AFTER BEING VACANT FOR THREE MONTHS, THE MAYOR AND CITY
27 COUNCIL SHALL NO LONGER BE REQUIRED TO ADHERE TO THE WARD
28 REQUIREMENT. THE POSITION MAY THEN BE FILLED BY A CITY RESIDENT
29 LIVING IN ANY WARD AND SHALL BE CONSIDERED AN AT-LARGE MEMBER.
30 THE NEW AT-LARGE MEMBER SHALL SERVE FOR THE DURATION OF THE
31 TERM. WHEN THE POSITION IS VACATED, IT SHALL BE RETURN TO BEING
32 WARD-SPECIFIC.

33
34 B. THE BOARD SHALL INCLUDE IN ITS MEMBERSHIP A REPRESENTATIVE
35 FROM THE UNITED STATES NAVAL ACADEMY AND ST. JOHN'S COLLEGE.

- 36 2. Each member shall have a demonstrated interest or expertise in transportation,
37 parking, or traffic. At least two of the members shall possess professional or academic
38 training in one or more of the above listed disciplines.

- 39 3. The [b]Board shall annually select, from among its duly appointed members, officers
40 of at least a chairperson, vice chairperson, and a secretary, whose authority shall be that
41 prescribed in the current edition of Robert's Rules of Order, Newly Revised.

- 42 4. The Board shall, under its own authority, establish rules of procedure and practice to
43 provide for the carrying out of its duties and responsibilities consistent with the provisions

1 of this chapter.

2 5. The Director of Transportation, the Director of Planning and Zoning, [and] the Director
3 of Public Works AND A REPRESENTATIVE FROM THE STATE OF MARYLAND shall be
4 ex officio, non-voting members of the Board. The Mayor may designate additional City
5 officials or individuals to participate in an ex officio, non-voting capacity.

6 [6. The Transportation Board shall confer periodically with the Parking Advisory
7 Commission and shall review and comment on recommendations of the Parking Advisory
8 Commission before the recommendations are submitted to the Mayor and Aldermen.]

9 C. Reports and Decisions.

10 1. A recommendation, or action of the Board shall be adopted only upon a majority of
11 the members present and voting, a quorum of [six] SEVEN being necessary to conduct its
12 business and shall be based upon publicly available information, statistics, or data.

13 2. A report, delineating the basis thereforE, shall be rendered for each recommendation
14 or action.

15 3. Each report shall be delivered to the City Council for its consideration.

16 4. The Board shall render an annual report to be received by the City Council not later
17 than February 1st of the year following the year being reported. The report shall review the
18 status of transportation and traffic affecting the City, and shall summarize all actions of the
19 Council and Board taken during the calendar year past. The report shall delineate current
20 difficulties, identify upcoming problems and view pending matters. The transportation
21 master plan shall be reviewed, and the Board shall recommend necessary plans, studies,
22 actions and expenditures for the following year to accomplish the objectives of the plan.
23 The Board shall, as part of its annual report, notify the Council of any and all trends and
24 developments which are becoming, or will become, a significant transportation concern of
25 the City, whether or not a particular matter is physically located within the corporate
26 borders of the municipality.
27

28 **CHAPTER 12.04 – GENERAL PROVISIONS**

29 **[12.04.030 - Parking Advisory Commission.]**

30 [A. Establishment. There is established a Parking Advisory Commission.]

31 [B. Membership and Appointment. The Commission consists of eleven members who are
32 appointed for terms of three years by the Mayor with the approval of the City Council as follows:

33 1. Six members shall be residents of the City and at least five of the six shall have a
34 residential parking permit.

35 2. Three members shall own or manage a business located in a residential parking
36 district.

37 3. One member shall be associated with St. John's College and one member shall be
38 associated with the United States Naval Academy. In the case of these two members, the
39 Mayor shall invite the President of the College and the Superintendent of the Academy to
40 recommend a prospective member.]

1 [C. Chair. Annually the Mayor shall designate a member to serve as chair of the Commission.]

2 [D. Purpose. The purpose of the Commission is to advise the Mayor and Aldermen on all
3 matters relating to the parking of motor vehicles. In doing so, the Commission is to consider the
4 interests of all affected parties.]

5 [E. Meetings. The Commission is to meet periodically after due notice at a time and place to
6 be determined by the chair after consulting with the members.]

7 [F. Duties. The duties of the Commission are, as follows:

8 1. Review existing principles, policies, laws and regulations relating to parking;

9 2. Recommend revision of principles, policies, laws and regulations relating to parking;

10 3. Monitor administration and enforcement of parking law and regulations;

11 4. Recommend measures to improve administration and enforcement;

12 5. Study and recommend on the advisability of consolidating all parking-related
13 functions in a single department of parking or in the alternative, of transportation and
14 parking;

15 6. Submit an annual report by February 15th of each calendar year to the City Council;

16 7. Periodically confer with Transportation Board and submit to the Board for its review
17 and comment all proposed recommendations to the Mayor and Aldermen; and

18 8. Perform such other duties as directed by the Mayor or the City Council.]
19

20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
21 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
22

23 **ADOPTED** this _____ day of _____, _____.
24
25

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.

O-31-12

Merging the Transportation Board and Parking Advisory Commission

Policy Report

The proposed ordinance would merge the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

The revamped Transportation Board membership would consist of 15 members, eight City of Annapolis residents (one from each ward) and five appointed at-large. If a ward-specific position on the Board vacated on June 30 of any year is not filled by October 1 of the same year or is vacated after a term has commenced and the position is not filled after being vacant for three months, the Mayor and City Council shall no longer be required to adhere to the ward requirement. The position may then be filled by a City resident living in any ward and shall be considered an at-large member. The new at-large member shall serve for the duration of the term. When the position is vacated, it shall be return to being ward-specific. The Board's membership would include a representative from the United States Naval Academy and St. John's College. The proposed ordinance also provides for ex officio members: The Directors of Transportation, Planning and Zoning, and Public Works in addition to a representative from the State of Maryland.

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



Chartered 1708

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

September 18, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Financial Advisory Commission

I respectfully submit for your approval the appointment of Mr. Ross Dierdorff to the Financial Advisory Commission. Mr. Dierdorff is a resident of Ward 2 and this appointment fills a vacancy on the Commission. His resume is attached.

Ross Dierdorff
228 Claude Street
Annapolis, Maryland 21401
443-994-0131
ross.dierdorff@gmail.com

Thank You.

JJC/hrr

Reviewed by: <u>Finance Committee</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Roseth. Annett, Jr.</u> <u>2 Oct 2012</u>
Committee Chair Date

Professional Profile

Principal architect of data models and information processing technologies in support of supervisory activities, regulatory functions and academic research at the Federal Deposit Insurance Corporation.

- Deduce conceptual models of the operations and activities under review.
- Draw out and define core information needs.
- Model decision making under conditions of uncertainty.
- Organize and present ideas for ease of understanding and implementation.
- Data mining, pattern recognition, GIS, and Spatial Analysis expertise
- In-depth knowledge of cost – benefit theory and analysis
- Leadership in planning, strategizing and coordinating projects.
- Highly regarded as a mentor and teacher

Professional Experience with Resolutions and Receivership Activities

Federal Deposit Insurance Corporation, Washington, DC

Senior Financial Analyst, Research Division

October 1996 to present

- Designed and implemented Visual Acuity and Cluster Management software that took an existing research solution and developed contingent operational capability to determine deposit insurance and process claims at failing banks with millions of accounts (2008).
- Designed and constructed a prototype index to synchronize the regulatory identifiers of affiliated bank holding companies and financial institutions (RSSDID and Certificate Number) with market identifiers (stock symbols, CUSIP, and SEC TIK) at all levels of tiered relationships and cross ownership. In this manner, financial performance data of individual insured bank subsidiaries are linked in a meaningful way with market data that are responsive to consolidated operations of the highest holder (2006)
- Designed and developed a prototype model to calibrate “reasonableness” edits to flag or reject individual submissions of quarterly Call Report data that would otherwise materially distort the aggregate data (2005).

Federal Deposit Insurance Corporation, Washington DC

Senior Financial Analyst, Division of Compliance and Consumer Affairs

June 1995 to October 1996

- Augmented Community Reinvestment Act performance evaluation and

Fair Lending screening methods and metrics with geospatial analysis.

Senior Financial Analyst, Division of Resolutions

September 1992 to June 1995

- Designed and implemented the Risk Analysis and Value Estimation system that FDIC uses to take inventory of assets and liabilities at failing financial institutions, value the inventory and repackage it for prompt and least cost resolution.

Senior Case Manager, Priority Projects Section

April 1992 to September 1992

- Chaired the Resolution Trust Corporation's national task force for the termination of employee benefit plans at failed financial institutions.

Risk Management Analyst, Senior Case Manager, Division of FSLIC Operations

June 1989 to April 1992

- Analyzed and administered financial assistance agreements granted acquirers of failed savings and loan associations, and represented FDIC in complex negotiations to change the terms or terminate underperforming agreements.
- Prepared and presented business plans and oversaw the operations of individual receivership properties valued in excess of \$10,000,000. My portfolio included the country's largest apple orchard, several hotel and conference centers, golf course developments and high rise condominium conversion projects.

Federal Savings and Loan Insurance Corporation, New Orleans LA

Senior Property Manager, Office of Receivership Operations

January 1986 to June 1989

- Established and managed the property management division for receivership operations of the Federal Savings and Loan Insurance Corporation office in New Orleans; The real estate and loan foreclosure portfolio comprised approximately 1,000 parcels with an overall market value of \$500 million dollars.

Education

Tulane University, New Orleans, LA
Master of Business Administration
June, 1988

Tulane University, New Orleans, LA
Bachelor of Science, Mathematics and Philosophy
June, 1976

References

References are available upon request.



Chartered 1708

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

September 12, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Alcoholic Beverage Control Board

I respectfully submit for your approval the appointment of Mr. Mike Miron to the Alcoholic Beverage Control Board. Mr. Miron is a resident of Ward 8 and this appointment fills a vacancy on the Commission. His resume is attached.

Mike Miron
531 Sixth Street
Annapolis, Maryland 21403
Phone 410-268-2689
spacreek@aol.com

Thank You.

JJC/hrr

Reviewed by:	<u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
<u>Frederick M. Paine</u>	<u>9/17/12</u>
Committee Chair	Date

531 Sixth Street
Annapolis, Maryland 21403
September 6, 2012

The Honorable Joshua Cohen
Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Dear Mayor Cohen:

I wish to apply for the vacant position on the City of Annapolis Liquor Board. It is my understanding the position can be filled immediately and has a three-year term of service.

I have included a resume of my past experience both as a volunteer and as a successful business person, as well as a former city department director.

I believe my experience working with community associations, citywide business groups and as a former planning commission chair as well as a city department head qualify me to be a valuable member of the liquor board.

My unique background has provided me valuable knowledge that I can bring to this position.

I look forward, once again, to serve the City of Annapolis.

Sincerely,



Michael Miron

Michael F. Miron

Summary of qualifications

Mr. Miron possesses a highly diversified background in business management, organizational expertise, land-use planning, legislative and community association advocacy, as well as communication and writing skills.

He has the unique ability to gather data from various sources, assimilate and organize the information, identify conclusions and develop a consensus course of action.

Education

1968 – 1971 University of Maryland, College Park, Maryland

Graduate Studies, Department of Business and Economics

1963 – 1967 St. Leo University Dade City, Florida

BA, Economics and Mathematics

Professional experience

Current SpaCreekAssociates LLC Annapolis, Maryland

President & CEO

SCA is an association of professionals that provides a diversity of consulting services to the government, business and non-profit community.

2001 – 2009

Director, Department of Economic Affairs. City of Annapolis

Performed highly visible, technical, representational and supervisory tasks to: recruit new businesses and employers to the City, retain existing businesses and assist them in their changing needs and growth, and advised the administration and the Economic Affairs Commission on issues pertaining to economic development and growth.

1971 - 1999 Mirko Inc. Annapolis, Maryland

President

Owner/operator of two automotive service stations in Annapolis. Responsibilities included management of 15 employees, preparation all federal, state and municipal accounting for tax returns, and oversaw a budget and fiscal operation that generated more than \$3.5 million annually

1969 – 1971 University of Maryland College Park, Maryland
Area Coordinator, University Housing, University of Maryland

Supervised 1500 undergraduate students and 30 graduate staff members in the on-campus university housing system. Responsibilities included management of all maintenance and support personnel; provided career and counseling services to the students; reported directly to the Vice-President of Student Affairs and the Director of University Housing on all aspects of residential student life.

Additional professional activities

- 1993 – 1995 President, Eastport Business Association (150 members), Annapolis, Maryland
- 1983 – 1985 Legislative Chairperson and Lobbyist, Service Station Dealers of Maryland

Professional memberships

- International Economic Development Council
- Annapolis and Anne Arundel County Chamber of Commerce

Community activities

- 1995 – 2001 Historian and Grants Coordinator, Annapolis Maritime Museum, Annapolis, Maryland
- 1998 – 2009 Board Member, Annapolis & Anne Arundel County Conference and Visitors Center Bureau
- 1998 – 2001 Board Member, Friends of St. Johns College, Annapolis, Maryland
- 1985 – 1990 Member, City of Annapolis Planning and Zoning Commission and liaison to Maryland Critical Areas Commission
- 1985- 1987 Chairperson, City of Annapolis Planning and Zoning Commission
- 1985 – 1986 Member, City of Annapolis Comprehensive Plan Commission
- 1983 – 1985 Member, City of Annapolis Environmental Commission

Additional Qualification

Mr. Miron has successfully owned and operated other small businesses in Annapolis. These include a restaurant and a retail/wholesale bakery operation.

Mr. Miron is also a freelance writer and researcher whose focus is regional maritime history. As historian for the Annapolis Maritime Museum in Annapolis, Mr. Miron has written numerous articles for *Inside Annapolis* magazine, a former local monthly publication with a circulation of more than 20,000 copies.

Additionally, Mr. Miron was a regular columnist with the Capital-Gazette newspaper in Annapolis and Anne Arundel County. His column related stories and commentary regarding citywide issues and local history.

In June 2000, his article about the John Trumpy & Sons Boatyard in Annapolis was featured in *Rudder* magazine, the national publication of the Antique and Classic Boat Society.

Mr. Miron has lectured on the topic of maritime history at the Historic Annapolis Foundation, the Maryland Hall for the Creative Arts and the Chesapeake Bay Maritime Museum.

Mr. Miron is also a professional grant writer. He has successfully written federal, state, local and private grants for clients in the non-profit, government and business community that totaled more than \$250,000. In addition to the grant-writing process, he has coordinated the management of grant functions that include project management, budget management, reports, and payment scheduling.

Mr. Miron also professionally curated a number of museum exhibits including:

- The Eastport Historic Walking Tour, Annapolis, 1998
- The Historic Boatyards of Annapolis - A One-Hundred Year History, Annapolis, 1998
- The African American Roots of Eastport, Annapolis, 1999
- A Tribute to Darrell Fish: Visionary Boat Designer, Chesapeake Bay Maritime Museum, 2000

Additionally, Mr. Miron developed a comprehensive master plan for the Board of Directors of the Annapolis Maritime Museum to initiate funding for \$1.5 million adaptive reuse capital project in Annapolis. This plan formed the foundation for a \$150,000 state bond bill that the Maryland General Assembly awarded the museum. Additionally, the plan identified a \$100,000 match, which the City of Annapolis will fund. Mr. Miron worked effectively with City of Annapolis officials and key legislators in both the Maryland House and Senate to ensure the success of the bond bill. It was the only bond – there were five others – awarded in Anne Arundel County that had no matching funds at the time the bill was passed by the General Assembly in April 2001. Mr. Miron was able to shepherd the bond bill through the legislative process both locally and at the state level to ensure its successful outcome.

Mr. Miron has been recognized by numerous public and private organizations for his professional and volunteer work. Some of these include: Maryland House of Delegates, Anne Arundel County Government, City of Annapolis, Historic Annapolis Foundation, Maryland Historical Trust, Anne Arundel County Trust for Preservation, Small Museum Association of Maryland, the Eastport Business Association and the Eastport Civic Association.

OFFICE OF THE
HARBORMASTER
1 DOCK STREET
ANNAPOLIS, MD 21401

PHONE: 410 263-7973
FAX 410 295-9018
harbormaster@annapolis.gov



J. P. "FLIP" WALTERS
HARBORMASTER
jpwalters@annapolis.gov
DEPUTY HARBORMASTERS
OPERATIONS: BILL BROOKES
wrbrookes@annapolis.gov
ADMINISTRATION: LINDA WINNER
lkwinner@annapolis.gov

29 August, 2012

Mayor Joshua J. Cohen;

Via: City Manager, Mike Mallinoff
Finance Director, Bruce Miller

Subj: Dock Fund / Harbormaster Request for Supplemental Allocations: \$40,000.00
per City Code Section 6.16.020

Dear Mr. Mayor;

We currently pay the owners of Chandler, LLC \$3,000 (three thousand dollars) per month plus electricity as billed for the opportunity cost to manage and operate the Chandler Dock (formerly known as Fawcetts' Dock) as an adjunct facility to our routine operations on City Dock. It is our desire to continue this arrangement.

The Harbormaster is requesting, thru the Director of Recreation and Parks, appropriation of \$40,000.00 (forty thousand dollars) Supplemental Allocation in accordance with City Code Section 6.16.020.

The funds will be utilized to pay management access fees and electric power supply to Chandler, LLC (owners of 110 Compromise Street, formerly known as Fawcetts) for use of the dock spaces commonly referred to as "Fawcetts' Dock."

Management by the Harbormaster of the Chandler Dock has produced revenues for the City of:

FY 2010- (three months only)	\$ 32,766	Including electricity charged to users
FY 2011- (full year)	\$101,177	"
FY 2012- (full year)	\$ 65,578	"

As can be seen, the direct revenue significantly exceeds the direct costs incurred.

Respectfully Submitted:


Harbormaster
29 August, 2012


Director of Recreation and Parks
29 August, 2012

Flip Walters - Chandler Dock Expenditure Appropriation

From: Maria Muniz
To: Walters, Flip; Woodward, Brian
Date: 8/28/2012 2:55 PM
Subject: Chandler Dock Expenditure Appropriation
CC: Kline, Linda; Miller, Bruce

Flip and Brian,

As discussed back in July, the Chandler Dock Grant was always treated as a revenue source but did not have a specifically-assigned expense account and, therefore, the associated Chandler Dock expenses were left out of the FY 13 budget. This means the Dock expenditure budget now needs to be increased by 40K (this 40K will be offset by the Dock Fund's sufficient fund balance/surplus).

After consult with Law regarding how to increase the adopted budget, they researched the following City ordinance that must be followed (steps 1 through 4). You'll see that a memo has to be submitted by the department director to the Mayor. I would recommend adding a place for Bruce to sign at the bottom of the memo. This way, Bruce can indicate his approval before the memo heads to the Mayor, reducing the element of surprise. On that note, I would also tack on a signature for Mr. Mallinoff as financial matters usually go through a Bruce --> Mike M. ---> Mayor approval chain.

Let me know if you need any other help in the process,
 Maria

6.16.020 - Supplemental allocations.

A. No obligations of the City shall be authorized in any fiscal year which are not included in the Annual Operating Budget or the Capital Budget as finally adopted; provided however, that ***if any item or items are not included in the operating budget which are required and necessary, the following procedure is established for approval authority for transfer of funds from another budgeted item which will not be used or for which there is a surplus or to allocate funds from the surplus.***

1. The department head shall submit a request in writing to the Mayor.
2. Within ten working days the Mayor shall consider the request and forward a recommendation to the Finance Committee, but if the Mayor fails to make a recommendation within ten working days, the request is deemed approved for consideration by the Finance Committee.
3. The Finance Committee shall report its findings to the City Council.
4. Final action shall be taken by the City Council after receipt of the Finance Committee's recommendation. Unless a hearing is requested by a majority of the City Council, final action shall be taken at the same meeting at which introduced.

B. The City Council may authorize the allocation of funds from the surplus of the budget provided it authorizes the allocation by a two-thirds vote.