CITY OF ANNAPOLIS
REGULAR MEETING OF THE CITY COUNCIL
September 9, 2013 7:00 p.m.

Call to Order	Mayor Cohen
Invocation	Alderman Paone
Pledge of Allegiance	Mayor Cohen
Roll Call	City Clerk Watkins-Eldridge
Approval of Agenda	

CITY COUNCIL CITATIONS

Martha Wood Leadership Award — Mayor Cohen

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal Proceeding — Regular Meeting July 8, 2013
Special Meeting July 22, 2013
Special Meeting July 25, 2013 *(available Monday, September 9)*

Reports by Committees

Comments by the General Public

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

PUBLIC HEARINGS

O-24-13 **Demolition Permits in the Neighborhood Conservation Districts** – For the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13	9/9/13	5/29/13	11/15/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/20/13		
Planning Commission	5/20/13	7/18/13	Favorable

O-25-13 **Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District** - For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/10/13	9/9/13	6/21/13	12/6/13

Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13	7/18/13	Favorable w/ amd.

O-26-13 **Pet Grooming Facilities** – For the purpose of separately defining a "pet grooming facility" from a "personal care establishment," and making a "pet grooming facility" a use subject to standards in all zoning districts that currently allow personal care establishments.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/10/13	9/9/13	6/21/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13	7/18/13	Favorable w/ amd.

O-27-13 **Sediment and Erosion Control** – For the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13	9/9/13	8/30/13	10/18/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Environmental Matters	7/22/13		

O-32-13 **Plumbing Permit Fees – Capital Facilities** – For the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13	9/9/13	8/30/13	10/18/3

Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Finance	7/22/13		

LEGISLATIVE ACTION
ORDINANCES AND RESOLUTIONS – 1st READER

O-34-13 **Historic Preservation Tax Credit** – For the purpose of revising the provisions governing the historic preservation tax credit in the City of Annapolis.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
Economic Matters	9/9/13		
Historic Preservation Commission	9/9/13		

O-35-13 **Issuance of Bonds and Bond Anticipation Notes** – For the purpose of authorizing and empowering the City of Annapolis (the "City") to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the "Charter"), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

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

9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

O-36-13 **An Amendment to Lease of City Property: Boat Shows in Fall 2013** – For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		

O-37-13 **Lease of City Property: Boat Shows in Spring 2014** – For the purpose of authorizing a lease of certain municipal property located in the areas of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2014, to conduct boat shows.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Environmental Matters	9/9/13		

O-38-13 **Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries** – For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds

(the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

R-35-13 **Re-Activating the State Commission on the Capital City** – For the purpose of expressing the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13		9/4/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

R-36-13 **Authorizing Two Vendors in the Historic District in Conjunction with the Fall Boat Shows** – For the purpose of authorizing Uncle Bob's Fudge Kitchen operating at 112 Main Street to sell lemonade and other complimentary food and non-alcoholic beverage items from a stand on the sidewalk in front of its retail store; and Cub Scout Pack 153 to sell popcorn and other complimentary non-alcoholic beverage items in Hopkins Plaza in conjunction with the 2013 Fall Boat Shows.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction*

and are reflected in the City Council's adopted minutes			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13		9/4/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

R-37-13 **Waiving a Contractor Parking Fee for the Hammond-Harwood House** – For the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13		9/4/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

UPCOMING CITY COUNCIL EVENTS

Work Session: Thursday, September 19, 2013, 1:30 - 4:30 p.m. City Council Chambers
Special Meeting: Monday, September 23, 2013, 7:00 p.m. City Council Chambers

DRAFT

REGULAR MEETING
July 8, 2013

The Regular Meeting of the Annapolis City Council was held on July 8, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:08 p.m.

Present on Roll Call: Mayor Cohen, Alderman Budge, Alderwoman Hoyle, Aldermen Littmann, Kirby, Arnett

Absent on Roll Call: Alderman Paone, Alderwoman Finlayson arrived at 7:11 p.m. and Alderman Pfeiffer arrived at 7:23 p.m.

Staff Present: City Attorney Hardwick, Assistant City Manager Burke, Planning and Zoning Director Arason, Finance Director Miller, Senior Accountant Leaman, Chief Comprehensive Planning Nash

Approval of Agenda

- Alderman Arnett moved to approve the Regular Meeting Agenda as amended to postpone O-47-11 on 2nd reader until Monday, July 22, 2013, and to postpone the public hearings on O-7-13 and R-49-13 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

CITY COUNCIL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Aldermen Kirby, Budge, Arnett and Alderwoman Hoyle to present the Harbor House and Eastport Terrace Resident Council, Sophisticated Grands, Revolution Annapolis Church and Eastport Civic Association as Organizers of Unity Day 2013 with the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the thirty-seventh recipient of the prestigious Martha Wood Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal Proceeding

- Aldermen Arnett moved to approve the Journal of Proceedings for the Regular Meeting June 10, 2013. Seconded. CARRIED on voice vote.

Housing Authority of the City of Annapolis
(HACA) Quarterly Report

Chairman Snowden introduced the Board of Commissioners and Executive Staff, and invited Executive Director Leggett to present the Quarterly Report.

Vice Chair Carter and Members Johnson, Henderson and Wells were present and answered questions from Council.

Comments by the General Public

Chuck Farrar, 111 Hillmere Drive, Annapolis, Maryland 21401 spoke in favor of the City Clerks Office staff and O-29-13 and R-33-13.

- Mayor Cohen declared petitions, reports and communications closed.

PUBLIC HEARINGS

O-7-13 **Establishment of a New Zoning District: Waterfront City Dock, Phase One – For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.**

- Alderman Budge moved to postpone the public hearing on O-7-13 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

R-49-12 **2012 City Dock Master Plan - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.**

- Alderman Budge moved to postpone the public hearing on R-49-12 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION
ORDINANCES AND RESOLUTIONS – 2ND READER

O-47-11 **Fence Permits - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.**

- Alderman Arnett moved to postpone O-47-11 on second reading until the Special Meeting on July 22, 2013. Seconded. CARRIED on voice vote.

O-22-13 **Heritage Commission – For the purpose of changing the name of the City of Annapolis' Historical Markers Commission to the Heritage Commission in order to better reflect the Commission's duties and responsibilities.**

- Alderman Arnett moved to adopt O-22-13 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-22-13.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-22-13 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Budge, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby
NAYS:
CARRIED: 9/0

R-50-12 **Public Information - For the purpose of establishing administrative regulations for filing and processing requests to the City of Annapolis for inspection for access to public records.**

- Alderman Arnett moved to adopt R-50-13 on second reading. Seconded.

- Alderman Arnett moved to amend R-50-13 as follows:

Amendments to the City of Annapolis Regulations Governing Maryland Public Information Act Requests

Page 3, Line 10:
Strike "Sec. 10-613" and insert Sections 10-611 through 10-630 and the Maryland Public Information Act Manual available at
http://www.oag.state.md.us/Opengov/pia.htm."

Page 3, Lines 29-31: strike entirely.

Page 3, Lines 37 and 39:
Strike "Attorney" and insert "Clerk"

Page 4, Lines 13-18:
Strike entirely and insert "Where to Send Request for Records. A request shall be addressed to: City Clerk c/o City Attorney
RE: MPIA Request
160 Duke of Gloucester Street
Annapolis, Maryland 21401"

Page 5, Lines 14 and 18:
Strike "knows" and insert "known"
Strike "know" and insert "known"

Page 5, Line 35:
Strike "24" and insert "5"

Page 5, Lines 39:
Before "Upon" insert: "Each copy provided in electronic format shall be based on the actual cost of preparation and/or reproduction." Re-number (4).

Page 6: Lines 15-17:
Strike "or" and after "order" insert "or credit card."
Strike "The City of Annapolis does not accept credit card payments."
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Budge, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby
NAYS:
CARRIED: 9/0

R-7-13 Wayfinding and Signage Master Plan - For the purpose of adopting the Draft Wayfinding and Signage Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

Assistant City Manager Burke gave a brief presentation and answered questions from Council. Chief Comprehensive Planning Nash was also present and answered questions from Council.

- Alderman Arnett moved to adopt R-7-13 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Budge, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby
NAYS:
CARRIED: 9/0

ORDINANCES AND RESOLUTIONS – 1st READER

O-28-13 New Land Use Article References in the City Code – For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

- Alderman Arnett moved to adopt O-28-13 on first reader. Seconded. CARRIED on voice vote

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

O-29-13 **Refillable Container Licenses and Requirements for Resident Licensees – For the purpose of creating a refillable container license; authorizing the Alcoholic Beverage Control Board to issue the license to a holder of certain classes of alcoholic beverages licenses; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in refillable containers; requiring a refillable container to meet certain requirements; requiring an applicant for the license to complete a certain form and pay a certain fee; authorizing residents of Anne Arundel County to serve as resident licensees for licenses issued in the City of Annapolis; requiring the Alcoholic Beverage Control Board to adopt certain regulations.**

- Alderman Littmann moved to adopt O-29-13 on first reader. Seconded. CARRIED on voice vote.

- Alderman Littmann moved to suspend the rules to dispense with the fiscal impact note, the referral to standing committee and third reading on O-29-13. Seconded. CARRIED on voice vote.

- Alderman Kirby moved to adopt O-29-13 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Budge, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby
NAYS:
CARRIED: 9/0

O-30-13 **Issuance of General Obligation Refunding Revenue Bonds– AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment**

Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the "Mayor") to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

Finance Director Miller gave a brief presentation and answered questions from Council. Senior Accountant Leaman was also present.

Senior Vice President, Samuel Ketterman, One James Center, Suite 1100, 901 East Cary Street, Richmond, Virginia 23219 representing Davenport & Company, LLC and Robert Doorey, 100 Light Street, Baltimore, Maryland 21202 representing Miles & Stockbridge, P.C. were present and answered questions from Council.

- Alderwoman Finlayson moved to adopt O-30-13 on first reader. Seconded. CARRIED on voice vote.

At 8:45 p.m., Mayor Cohen requested Alderman Arnett preside over the meeting during his absence.

At 8:48 p.m., Mayor Cohen resumed the duties of the Chair.

Referred to the Finance Committee and the Financial Advisory Commission.

R-30-13 **Vehicular Access to and Internal Roadways within Certain Property adjacent to Aris T. Allen Boulevard – For the purpose of empowering the City of Annapolis to consider, and to potentially allow, vehicular access between Aris T. Allen Boulevard/Maryland 665 and certain adjacent property within the City limits as well as private roadways within said adjacent property.**

- Alderwoman Finlayson moved to adopt R-30-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters, Public Safety and the Transportation Committees.

Office of Law will transmit a letter of notification to Planning Commission for review.

R-31-13 **Designation of Annapolis as a Sustainable Community – For the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the attached Sustainable Community map and Sustainable Community Plan (the "Plan,") as further described in the Sustainable Community Application (the "Application"), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.**

Assistant City Manager Burge gave a brief presentation and answered questions from Council.

- Alderman Littmann moved to adopt R-31-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

R-32-13 **A Committee to Study Implementation of City Dock Plan – For the purpose of establishing a Committee to study all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.**

- Alderman Budge moved to adopt R-32-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Rules and City Government Committees.

- Mayor Cohen requested a public hearing be scheduled on July 25, 2013.

R-33-13 **FY 2014 Fees for Refillable Container Licenses - For the purpose of specifying fees that will be charged for refillable container licenses for on-sale and off-sale privileged alcoholic beverage license holders.**

- Alderman Pfeiffer moved to adopt R-33-13 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 Littmann moved to adopt R-33-13 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Budge, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby
NAYS:
CARRIED: 9/0

BUSINESS AND MISCELLANEOUS

1. Budget Revision Requests

Finance Director Miller gave a brief presentation on the budget revision requests and answered questions from Council.

The Finance Committee reported favorably on the Budget Revision Requests.

Control Number GT-25-13 Department Public Works Water Plant, Justification for request: To transfer from Water Operating Account to Capital Project established for rehab to water tank in order to paint various water tanks in the amount of $ 200,000.

&

Control Number GT-26-13 Department Mayor, Justification for request: To provide transfer of funds from contingency account that has current

balance of $ 150,474 to Community Grant account to fund donation to boys and girls club in the amount of 5,000.

&

Control Number GT-27-13 Department Law, Justification for request: To provide transfer of funds from contingency account that has current balance of $145,474 to Law Office account for settlements. This is to pay for 2 settlements regarding Federal House Litigation in the amount of $ 30,000.

&

Control Number GT-28-13 Department Fire, Justification for request to transfer from Contingency account current balance of $115,474, funding for supplemental FY2012 appropriations to pay for EMS Billings past due FY2012 invoices in the amount of $ 58,988.86.

- Alderwoman Hoyle moved to approve budget revision requests control numbers GT-25-13, GT-26-13, GT-27-13, and GT-28-13. Seconded. CARRIED on voice vote.

2. Appointments

- Alderman Pfeiffer moved to approve the Mayor's appointment of the following individuals:

7/8/13	Annapolis Environmental Commission	Sari J. Kiraly
7/8/13	Board of Appeals	Robert P. Gallagher
7/8/13	Civil Service Board	Jennifer Garland Beard

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:37 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

A SPECIAL MEETING
July 22, 2013

A Special Meeting of the Annapolis City Council was held on Monday, July 22, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 6:09 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff

BUSINESS AND MISCELLANEOUS

2. Purposed Closed Session – Pursuant to State Government Article § 10-508 (a) (7), (8)

- Alderman Littmann moved to have a closed meeting on Monday, May 20, 2013 immediately following this meeting in accordance with Maryland State Government Article Section 10-508(a) (*7),(8) to consult with counsel to obtain legal advice on legal matters or potential litigation. Seconded.*

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

The Council moved into closed session at 6:11 p.m.

- Alderman Arnett moved to adjourn the closed session at 6:53 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 6:53 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

DRAFT
SPECIAL MEETING
July 22, 2013

The Special Meeting of the Annapolis City Council was held on July 22, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:12 p.m.

Pledge of Allegiance: Benjamin & Nathan Gardner, representing Troop #804 in Millersville, Maryland 21060

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Finance Director Miller, Planning and Zoning Director Arason, Small Minority Business Enterprise Coordinator Caudill, Assistant City Attorney Elson, Development and Special Projects Coordinator LeFurge, Chief Comprehensive Planning Nash

Closed Session
Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a) (7), (8) this statement is included in these minutes:

A closed session of the City Council was held at 6:11 p.m., Monday, July 22, 2013 in the City Council Chamber.

Present: Mayor Cohen, Aldermen Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer, Arnett

Staff Present: City Attorney Hardwick, Assistant City Attorney Elson, City Manager Mallinoff, City Clerk Watkins-Eldridge, Finance Director Miller, Senior Accountant Leaman

A roll call vote was taken by the members present, and the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a) (7), (8). The purpose of the meeting was to consult with counsel to obtain legal advice on legal matters or potential litigation.

Discussion Topic:

Chesapeake Harbour ~ No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the session was adjourned at 6:53 p.m.

- Alderman Arnett moved to amend the agenda to move the legislative action on O-30-13 on second reader to the top of the legislative actions. Seconded. CARRIED on voice vote.

- Alderman Budge moved to amend the agenda to move the appointments before the public hearings. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Heather Hurtt, 820 Chester Avenue, Annapolis, Maryland 21403 representing Connect Annapolis spoke in support of the Master Plan for the City Dock and the ordinance.
Chris Scheim, 15 Thompson Street, Annapolis, Maryland 21401 representing Murray Hill spoke in favor of the rezoning of 110 Compromise Street and the City Dock Master Plan.

- Mayor Cohen declared petitions, reports and communications closed.

The order of the agenda was amended to allow for business and miscellaneous item #1 Appointments.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderwoman Finlayson moved to approve the Mayor's appointment of the following individuals:

7/22/13 Recreation Advisory Board	Catherine Simmons-Jones
7/22/13 Severn River Commission	Jim Burdick
7/22/13 Annapolis Conservancy Board	Jon Chapman

Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

PUBLIC HEARING

O-30-13 **Issuance of General Obligation Refunding Revenue Bonds – AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the "Mayor") to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds;**

generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

The Finance Committee and the Financial Advisory Commission reported favorably on O-30-13.

Finance Director Miller gave a brief presentation and answered questions from Council. Senior Accountant Leaman was also present.

Senior Vice President, Joseph Mason, One James Center, Suite 1100, 901 East Cary Street, Richmond, Virginia 23219 representing Davenport & Company, LLC and Robert Doorey, 100 Light Street, Baltimore, Maryland 21202 representing Miles & Stockbridge, P.C. were present and answered questions from Council.

City Manager Mallinoff was also present and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS

ORDINANCES and RESOLUTIONS – 2ND READER

The order of the agenda was amended to allow for O-30-13 on second reader.

O-30-13 **Issuance of General Obligation Refunding Revenue Bonds– AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City;**

authorizing the Mayor of the City (the "Mayor") to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

- Alderman Arnett moved to adopt O-30-13 on second reading. Seconded.

Finance Director Miller gave a brief presentation and answered questions from Council. Senior Accountant Leaman was also present.

Senior Vice President, Joseph Mason, One James Center, Suite 1100, 901 East Cary Street, Richmond, Virginia 23219 representing Davenport & Company, LLC and Robert Doorey, 100 Light Street, Baltimore, Maryland 21202 representing Miles & Stockbridge, P.C. were present and answered questions from Council.

The Finance Committee and the Financial Advisory Commission reported favorably on O-30-13.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-30-13 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

The order of the agenda was resumed.

O-47-11 Fence Permits - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

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

- Alderwoman Hoyle moved to postpone O-47-11 on second reading until the Special Meeting on September 23, 2013. Seconded. CARRIED on voice vote.

O-16-13 Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan – For the purpose of authorizing local businesses to be eligible for a capital facilities payment plan.

- Alderwoman Hoyle moved to adopt O-16-13 on second reading. Seconded.

Small & Minority Business Enterprise Coordinator Caudill gave a brief presentation and answered questions from Council.

The Economic Matters and Finance Committees reported favorably with amendments on O-16-13.

- Alderwoman Finlayson moved to amend O-16-13 as follows:

Amendment #1

Page 4, Lines 8-10
Strike: "OR IS A QUALIFYING LOCAL BUSINESS BASED UPON REGULATIONS PROMULGATED BY THE SMALL MINORITY BUSINESS ENTERPRISE COORDINATOR"

Amendment #2

Page 4, Line 16:
Insert:
"SECTION J. A QUALIFYING LOCAL BUSINESS THAT MEETS ALL OF THE CRITERIA IN SECTION K. SHALL, AT THE REQUEST OF THE BUSINESS OWNER, BE ELIGIBLE TO PAY THE CAPITAL FACILITY CHARGE AS FOLLOWS: FORTY PERCENT PRIOR TO THE ISSUANCE OF ANY PERMIT; TWENTY PERCENT PRIOR TO THE FIRST ANNIVERSARY OF THE EARLIEST PERMIT ISSUANCE; TWENTY PERCENT PRIOR TO THE SECOND ANNIVERSARY OF THE EARLIEST PERMIT ISSUANCE; FINAL TWENTY PERCENT PRIOR TO THE THIRD ANNIVERSARY OF THE EARLIEST PERMIT ISSUANCE."

SECTION K. A LOCAL BUSINESS MEANS:

1. THE PRINCIPAL OFFICE OR BUSINESS IS PHYSICALLY LOCATED WITHIN THE ANNAPOLIS CITY LIMITS WITH NO OTHER NATIONAL HEADQUARTERS OUTSIDE THE CITY OF ANNAPOLIS;
2. THERE ARE FIVE OR FEWER BRANCHES OR OUTLETS OF THE BUSINESS IN TOTAL;
3. THE BUSINESS IS PRIVATELY-, EMPLOYEE-, COMMUNITY-, OR COOPERATIVELY-OWNED (NOT PUBLICLY TRADED);
4. THE BUSINESS PAYS FOR ALL OF ITS OWN MARKETING, RENT, AND OTHER BUSINESS EXPENSES WITHOUT ASSISTANCE FROM, OR PAYMENT TO, A CORPORATE HEADQUARTERS;
5. THE DECISION-MAKING AUTHORITY IS VESTED IN THE LOCAL OWNER AND NOT SUBJECT TO CONDITIONS DICTATED OR REQUIRED REMOTELY;
6. ANY ADDITIONAL CRITERIA AS PROMULGATED BY REGULATIONS FROM THE SMALL MINORITY BUSINESS ENTERPRISE COORDINATOR.

SECTION L: WHEN A BUSINESS OWNER REQUESTS A CAPITAL FACILITY CHARGE PAYMENT PLAN, SUCH OWNER MUST HAVE AN APPROVED AGREEMENT SIGNED BY THE BUSINESS OWNER AND PROPERTY OWNER STATING THAT A NOTICE OF LIEN IS TO BE EXECUTED ON THE PROPERTY. THE LIEN WILL REMAIN IN EFFECT UNTIL THE DEFERRED FEES HAVE BEEN PAID IN FULL.

SECTION K: CAPITAL FACILITY CHARGES THAT ARE DEFERRED SHALL ACCRUE INTEREST AFTER THE FIRST 12 MONTHS. ANY FEES DEFERRED SHALL BE PAID AT THE INTEREST RATE IN EFFECT AT THE TIME OF PAYMENT.

Amendment #3

Page 4, Line 18:
After "passage," insert: AND SHALL BE DEEMED ABROGATED AND OF NO FURTHER EFFECT EFFECTIVE JUNE 30, 2018, AND STRICKEN FROM

THE CODE OF THE CITY OF ANNAPOLIS Seconded. CARRIED on voice vote.

- Alderman Littmann moved to amend O-16-13 as follows:

In amendment # 2, Section K (4) after "HEADQUARTERS;" insert "that owns one or more shares in the applicants business. Seconded. CARRIED on voice vote.

- Alderman Littmann moved to amend O-16-13 as follows:

In amendment # 2, Section K (5) after "REMOTELY;" insert "and" Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-16-13 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

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

- Alderwoman Finlayson moved to adopt O-18-13 on second reading. Seconded.

Assistant City Attorney Elson gave a brief presentation and answered questions from Council.

The Economic Matters Committee reported favorably on O-18-13.

The main motion CARRIED on voice vote.

- Alderman Paone moved to adopt O-18-13 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

R-26-13 **Special Event Applications – III – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand**

Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.

- Alderman Arnett moved to adopt R-26-13 on second reading. Seconded.

Development and Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

The Economic Matters and Finance Committee reported favorably on R-26-13.

- Alderman Arnett moved to amend R-26-13 as follows:

Amendment #1

Page 2, Line 4
Insert: DRUM CORPS ASSOCIATES (KICKOFF AT THE DOCK: AUGUST 29)

Amendment #2

Page 2, Line 21
After "week," insert: DRUM CORPS ASSOCIATES. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

R-31-13 **Designation of Annapolis as a Sustainable Community – For the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the attached Sustainable Community map and Sustainable Community Plan (the "Plan,") as further described in the Sustainable Community Application (the "Application"), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.**

- Alderman Arnett moved to adopt R-31-13 on second reading. Seconded.

Chief Comprehensive Planning Nash gave a brief presentation and answered questions from Council.

The Housing and Human Welfare and Environmental Matters Committee reported favorably on R-31-13.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer
NAYS:
CARRIED: 9/0

ORDINANCES – 1st READER

O-27-13 **Sediment and Erosion Control – For the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.**

- Alderman Pfeiffer moved to adopt O-27-13 on first reader. Seconded. CARRIED on voice vote

Referred to the Economic and Environmental Matters Committee.

O-32-13 **Plumbing Permit Fees – Capital Facilities – For the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.**

- Alderman Arnett moved to adopt O-32-13 on first reader. Seconded. CARRIED on voice vote

Referred to the Economic Matters and Finance Committees.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:47 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

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

August 12, 2013

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: ***Monday, August 26, 2013 and Monday, September 2, 2013***

Please send bill and certificate of publication to the City of Annapolis Office of Law, 160 Duke of Gloucester, 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, September 9, 2013 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

O-24-13 **Demolition Permits in the Neighborhood Conservation Districts** – For the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

O-25-13 **Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District** - For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

O-26-13 **Pet Grooming Facilities** – For the purpose of separately defining a "pet grooming facility" from a "personal care establishment," and making a "pet grooming facility" a use subject to standards in all zoning districts that currently allow personal care establishments.

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

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

September 6, 2013

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: ***Sunday, September 8, 2013 and Monday, September 9, 2013***

Please send bill and certificate of publication to the City of Annapolis Office of Law, 160 Duke of Gloucester, Annapolis, MD 21401.

****

NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

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O-25-13 **Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District** - For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

O-26-13 **Pet Grooming Facilities** – For the purpose of separately defining a "pet grooming facility" from a "personal care establishment," and making a "pet grooming facility" a use subject to standards in all zoning districts that currently allow personal care establishments.

O-27-13 **Sediment and Erosion Control** – For the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.

O-32-13 **Plumbing Permit Fees – Capital Facilities** – For the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

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

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-24-13

Sponsor: Alderman Arnett

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13			11/15/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/20/13		
Planning Commission	5/20/13		

A ORDINANCE concerning

Demolition Permits in the Neighborhood Conservation Districts

FOR the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 21.14.040

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 21.14 – Demolition Permits

21.14.010 - Purpose and authority.

A. Buildings and Structures Located Outside the Historic Overlay District. Pursuant to the requirements of this chapter, the Planning and Zoning Director shall review and decide applications for demolition of all buildings and structures within the following zoning districts:

1. R2-NC Single-Family Residence Neighborhood Conservation District;
2. R3-NC Single-Family Residence Neighborhood Conservation District;
3. R3-NC2 Single-Family Residence Neighborhood Conservation District 2;
4. R3-R General Residence Neighborhood Revitalization District;
5. R4-R General Residence Neighborhood Revitalization District;
6. MX Mixed Use District;
7. Office and Commercial Design Overlay District.

B. Buildings and Structures Located in the Historic Overlay District. Any application for demolition of a building or structure located in the historic overlay district is subject to review by the Historic Preservation Commission pursuant to the provisions of Chapter 21.56

21.14.020 - Procedures.

A. Application Procedures. Applications for a demolition permit shall be submitted in accordance with the procedures set forth in Chapter 17.12 of the Annapolis City Code.

B. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).

C. Review of Application. In the review of demolition applications, submitted for review pursuant to the requirements of this chapter, the following procedures shall apply:

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

2. Staff Report. Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director.

3. Optional Public Hearing. The Planning and Zoning Director may hold a public hearing within thirty days of submission of a demolition application, if the Director finds the structure proposed for demolition to be significant with respect to the purposes of the zoning district in which the structure is located. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) related uses.

21.14.030 - Application requirements.

Plans. Applications for demolition pursuant to this chapter shall be accompanied by plans, as required by the Planning and Zoning Director. Applications shall at a minimum show the existing ground area, height and bulk of the building or structure, the building lines in relation to lot lines, plans for any proposed replacement structure and its proposed use, and any other information required by the Director.

21.14.040 - Review criteria.

In deciding demolition applications, the Planning and Zoning Director shall make written findings based on the following:

A. Significance of Structure. The extent of the historic, cultural, archaeological, or architectural significance of the structure proposed for demolition and the value of the structure for its historic, cultural, archaeological, or architectural significance.

B. Effect on Significant Historic Resources. The extent to which the demolition of the structure will have an adverse effect on resources within a National Register District, if applicable, or other surrounding historic, cultural, archaeological, or architectural resources of significance.

C. Significance to the Purposes of the Zoning District. The extent to which the loss of the structure would be adverse to the purposes of the zoning district in which the structure

is located and would adversely affect the character of the neighborhood and the zoning district.

D. Relationship to Other Structures. The relationship of the exterior architectural features of the structure proposed for demolition to other structures located in the National Register District, if applicable, or other structures listed on the Maryland Inventory of Historic Places and the extent to which demolition of the structure would impair the relationship with other significant historic, cultural, archaeological, or architectural resources.

E. Compatibility of Proposed Structure. The general compatibility of any proposed structure, in terms of exterior design, scale, proportion, arrangement, texture, and materials, to the National Register District, if applicable, or to other historic resources in the surrounding area.

F. Public Benefits. The extent to with the structure is a deterrent to a major improvement program which will be of substantial benefit to the City.

G. Financial Hardship. EXCEPT IN THE NEIGHBORHOOD CONSERVATION ZONING DISTRICTS, [T]the extent to which the retention of the structure would cause financial hardship to the owner.

21.14.050 - Appeal.

Any appeals of a decision of the Planning and Zoning Director pursuant to this chapter must be made to the Board of Appeals in conformance with the provisions of Zoning Code Chapter 21.30.

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

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

EXPLANATION

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

Policy Report

Ordinance O-24-13

Demolition Permits in the Neighborhood Conservation Districts

The proposed ordinance would remove financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

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

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

July 18, 2013

To: **Annapolis City Council**

From: **Planning Commission**

Re: **Findings - O-24-13 concerning demolitions in the Neighborhood Conservation zoning districts**

SUMMARY

Ordinance O-~~26~~ 24-13 proposes a text amendment to Section 21.14.040 in order to remove financial hardship from the review criteria for permit applications for demolitions in the Neighborhood Conservation zoning districts.

The City of Annapolis has three neighborhood conservation districts – R2NC generally encompassing Eastport; R3NC encompassing Presidents Hill; and R3NC2 along West Street between Locust Avenue and Homeland Avenue. These are all residential districts. The NC designation denotes Neighborhood Conservation and creates a heightened review process for demolitions and construction above the review of projects in other non-NC denoted residential zones.

There are two areas of the Zoning Code that deal with demolitions: Chapter 21.14, which contains demolition standards applicable city wide; And, Chapter 21.40, which contains additional demolition standards specific to the district in which the project is located. The specific review criteria pertaining to financial hardship is found within the standards under Chapter 21.14. There is a concern that the standard of financial hardship is being used to justify demolitions that would not otherwise occur without this standard.

STAFF RECOMMENDATION

At a regularly scheduled meeting on July 18, 2013, the Planning and Zoning staff presented their recommendation on the legislation. Staff is of the opinion that financial hardship should not be a primary reason to grant demolition and there are no standards or methods to determine if financial hardship actually exists. Deleting financial hardship from the review criteria for the Neighborhood Conservation districts would have no material effect on the Department's review of demolition applications.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on July 18, 2013 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 a vote of 6 to 0 recommends adoption of the ordinance.

Adopted this 18th day of July, 2013

Eleanor Harris

Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

Legislation No: O-24-13 **First Reader Date:** 5-20-13
Note Date: 5-29-13

Legislation Title: Demolition Permits in the Neighborhood Conservation Districts

Description: For the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

Analysis of Fiscal Impact: This legislation eliminates financial hardship in the neighborhood conservation zoning districts as a consideration in deciding demolition permits. There is no significant fiscal impact.

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-25-13

Sponsor: Alderman Budge

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/10/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13		

A ORDINANCE concerning

Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District

FOR the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 21.48.010
Section 21.64.440

WHEREAS, an objective of the 2009 Annapolis Comprehensive Plan is to channel residential and commercial redevelopment into appropriate Opportunity Areas to "relieve pressure for inappropriate use of buildings in the Historic District"; and

WHEREAS, the C1 Conservation Residence District is the only Residential District in Annapolis which allows the use of a residence as an office or studio of a professional person by Special Exception instead of use as a Residence; and

WHEREAS, the Special Exception granted to 49 Cornhill Street in 1971 is the only Special Exception for use of a residence as an office or studio of a professional person that has ever been granted in the C1 Conservation Residence District; and

WHEREAS, the Planning Commission and Board of Appeals of the City of Annapolis denied the application for a Special Exception for use of a residence as an office or studio of a professional person at 58 Cornhill Street, a decision which was upheld by the Circuit Court for Anne Arundel County in 2012; and

WHEREAS, home offices are allowed in all Residential Districts in Annapolis subject to the Home Occupation standards, including the C1 Conservation Residence District.

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 21.48 – Use Tables

21.48.010 - Table of Uses—Residential Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Accessory buildings and uses, including signs	A	A	A-Std	A	A	A	A	A	A	A	A	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Apartment hotels										P-Std	P-Std		
Bed and breakfast homes					P-Std		P-Std	P-Std				P-Std	P-Std
Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record					S-Std								
Cemeteries	P	P	P	P	P								
Colleges, private	S	S	S	S	S	S	S	S	S	S	S	P	
Day care, family	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, in conjunction with public school facilities			A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, including day care centers accessory to a principal religious institution	S	S	S	S	S	S	S	S	S	S	S	S	
Driveways, walkways, parking or access for uses located in an adjacent nonresidential	S	S	S	S	S	S	S	S	S	S	S		

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
district													
Dwellings, multi-family						S	S	S	S	S	S	S-Std	
Dwellings, multi-family containing six or fewer dwelling units							P-Std						
Dwellings, single-family attached						S	S	S	S	S	S	S-Std	
Dwellings, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwellings, two-family				[1]		P	P	P	P	P	P	S-Std	S[2]
Garages and carports	A	A	A	A	A	A	A	A	A	A	A	A	A
Golf courses			P										
Governmental uses													
Public schools and colleges	P	P	P	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S	S	S	S
Greenhouses and conservatories, private (noncommercial)	A	A	A	A	A	A	A	A	A	A	A	A	A
Group homes												S	
Home occupations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Hospitals and sanitariums	S	S	S	S	S	S	S	S	S	S	S	S	
Inns			S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S	
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	S	S	S	S	S	S	S	S	S	S	S		

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Institutions for the care of the aged	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Mooring slip or dock, private	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A
Museums and art galleries, including historic buildings and shrines for patriotic, cultural and educational purposes	S	S	P	P	P	P	P	P	P	P	P	P	P
[Office or studio of a professional person**]**												**[**S-Std**]**	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Planned developments, residential and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		
Recreational and social clubs, noncommercial	S	S	S	S	S	S	S	S	S	S	S		
Religious institutions, including churches, chapels, mosques, temples, and synagogues	S	S	P	P	P	P	P	P	P	P	P	P	P
Rest homes and nursing homes	S	S	S	S	S	S	S	S	S	S	S	S	
Schools, private, elementary, middle, or high	S	S	S	S	S	S	S	S	S	S	S		
Schools, vocational	S	S	S	S	S	S	S	S	S	S	S		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Tool houses, sheds and other similar buildings for the	A	A	A	A	A	A	A	A	A	A	A	A	A

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
storage of domestic supplies and equipment													

Duplex units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargements otherwise meet the provisions of the R2 zoning district, except that the shared lot line between each half of the duplex unit must meet the provisions of the R3, General Residence District, and subject to minor site design plan review.

Attached units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargement otherwise meets the provisions of the C1A zoning district except that the shared lot line between attached units will have no setback requirement, and subject to minor site design plan approval and review by the Historic Preservation Commission under Section 21.56 of this Code.

CHAPTER 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS

[**21.64.440 - Office or studio of a professional person.**]

[A. The use shall be conducted in a building suited to residential use or conforming in appearance to a building suited to residential use.**]**

[B. Sales, storage, or display of goods or advertising material are not permitted.**]**

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

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

EXPLANATION

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

Policy Report

Ordinance O-25-13

Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District

The proposed ordinance would eliminate the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

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

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

July 18, 2013

To: **Annapolis City Council**

From: **Planning Commission**

Re: **Findings - O-25-13 Office or Studio of a Professional Person in the C1 Conservation Residence Zoning District**

SUMMARY

Currently, under the Use Regulation Table, the C1 zoning district permits "Office or Studio of a Professional Person" as a special exception subject to standards. Ordinance O-25-13 proposes the elimination of this use category in the C1 district.

Because none of the other twelve residential zoning districts permit an office or studio of a professional person, the use category will be eliminated from the Table entirely.

STAFF RECOMMENDATION

At a regularly scheduled meeting on July 18, 2013, the Planning and Zoning staff presented their recommendation on the legislation. The intent of the legislation is to eliminate the detrimental effect(s) of the commercial use upon a residential neighborhood, thus channeling such uses to appropriate Opportunity Areas.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on July 18, 2013 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 sections 21.48.010 and 21.64.440, office or studio of a professional person shall be repealed, thus eliminating the use from the C1, Conservation Residence zoning district and the standards from Standards for Uses Subject to Standards.

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 a vote of 6 to 0 recommends adoption of the ordinance.

Adopted this 18th day of July, 2013

Eleanor Harris

Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

Legislation No: O-25-13 **First Reader Date:** 6-10-13
Note Date: 6-21-13

Legislation Title: Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District

Description: For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

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

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-26-13

Sponsor: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/10/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13		

A ORDINANCE concerning

Pet Grooming Facilities

FOR the purpose of separately defining a "pet grooming facility" from a "personal care establishment," and making a "pet grooming facility" a use subject to standards in all zoning districts that currently allow personal care establishments.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 21.48.020
Section 21.48.030
Section 21.64.420
Section 21.72.010

BY adding the following portions to the Code of the City of Annapolis, 2012 Edition
Section 21.64.495

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 21.48 – Use Tables

21.48.020 - Table of Uses—Commercial and Industrial Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P[1]	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P[1]	
Arts and crafts stores	P	P	P	P	P	P	P	P	P[1,2]	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std[1]	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P[1,2]	
Bars and taverns		S	S	S	S		S			

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std	P-Std		P-Std[1]	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P[1]	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Christmas tree and greens sales		P-Std	P-Std	P-Std	P-Std					P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std			P -Std[1]	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std[1,2]	

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Department stores		P	P	P	P		P			
Drive-through facilities and walkups associated with permitted or special exception uses	P-Std[3]	P-Std S-Std[3]	P-Std S-Std[3]	P-Std S-Std[3]	P-Std S-Std[3]	P-Std S-Std[3]	[4]	[4]	P-Std	P-Std S-Std[3]
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P[1,2]	P
Dwellings, multi-family					P-Std	P	S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	
Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P		P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std[2]	
Food stores	P	P	P	P	P		P		P-Std[1]	
Furniture stores		P	P	P	P		P	P	P[1]	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P[1]	
Governmental uses										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related	S	S	S	S	S	S	S	S	S	S

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
structures, facilities and uses										
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P[1]	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std[1]	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P[1]	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P[1]	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Markets, open air, including farmers' markets and produce markets					P-Std	P-Std	P-Std	P-Std		
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P[1]	
Office and business service establishments		P	P	P	P	P	P	P	P[1,2]	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P[1,2]	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P-Std[1,2]	
PET GROOMING FACILITY	**P-STD**	**P-STD**	**P-STD**	**P-STD**	**P-STD**	**P-STD**	**P-STD**	**P-STD**	**P-STD[1,2]**	
Photocopying and reproduction services, including blueprinting						P				
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P	P	P	P	P			P[1,2]	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std[1,2]	
Retail goods stores		P	P	P	P	P	P	P	P-Std[1]	

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art		P	P	P	P	P	P	P		P
Sidewalk cafés	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std[1,2]	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std				P-Std[1]	
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P[1]	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

Notes:
Uses in the PM2 district are subject to the following provisions as indicated in the table:

1 This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.

2 This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it

exceed 33 percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in 21.64.420

3 If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

4 ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

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

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District P	District MX	District PM	District C2P
Accessory structures and uses	A	A[6]	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	
Arts and crafts stores		P	P-Std	
Banks and financial institutions		P		
Bake shops		P-Std		
Cab stands including dispatch offices and related parking facilities		S		
Candy stores, where only candy prepackaged off the premises is sold		P		
Candy stores including candy making		P-Std		
Carpet and rug stores, retail sales only		P		

Uses	District P	District MX	District PM	District C2P
Catering establishments		P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	S	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		P-Std		
Coffee shops		P-Std		
Conference facilities		S		
Convenience stores		P-Std		
Day care centers, group	S		S	S
Delicatessens		P-Std	P-Std	
Department stores		P		
Drive-through facilities associated with permitted or special exception uses			S-Std[5]	
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
Dwellings, single-family attached	P	P-Std	P	
Dwellings, single-family detached	P	P	P	P
Dwellings, two-family	P	P	P	P
Dwellings above the ground floor of nonresidential uses		P		
Food service marts		P-Std	P-Std	
Furniture stores		P		
Garden supply, tool and seed stores		P		
Governmental uses				
Offices	P	P	P	P

Uses	District P	District MX	District PM	District C2P
Other government and government-related structures, facilities and uses	S	S	S	S
Public schools and colleges	P		P	
Group homes	S		S	S
Hotels with up to forty rooms, including restaurants and conference room facilities.		P-Std		
Hotels with more than forty rooms		S		
Ice cream stores		P-Std		
Inns	S			S
Institutions for the care of the aged	S			S
Laboratories, including medical, dental, research and testing		P		
Launderettes, automatic, self service		P		
Liquor stores		S		
Markets, open air, including farmers' markets and produce markets		P-Std		
Medical appliance stores			P-Std	
Motor vehicle service stations, including fuel sales		S		
Museums and art galleries	P	P	P	
Nautical shops, retail trade		P		
Office and business service establishments		P		
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std	P
Offices, medical	P	P	P	P
Parking garages	S	P-Std, S-Std	S	
Parking lots, other than accessory	S	P-Std	P-Std	
Personal care establishments	S	P	P-Std	
PET GROOMING FACILITY	**S-STD**	**P-STD**	**P-STD**	

Uses	District P	District MX	District PM	District C2P
Photocopying and reproduction services, including blueprinting		P		
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P		
Planned developments, business and special mixed	P-Std	P-Std		
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P	
Research and development businesses, provided that there is no significant assemblage of goods or products		P		
Rest homes and nursing homes	S			S
Restaurant, fast food		S-Std		
Restaurant, standard		P-Std[4] S-Std[4]	P-Std, S-Std	
Retail goods stores		P		
Schools, commercial, trade, vocational, music, dance, or art		P		
Schools, private, elementary, middle, or high	P			
Sidewalk cafés	P-Std	P-Std	P-Std	
Specialty convenience retail store		P	P-Std	
Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

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Notes:
The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:

a. Either 25 percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and

c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.

2. Buildings in excess of 46 feet, but less than 65 feet in height require special exception approval except as provided in note No. 1 above.

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

4. Two a.m. alcoholic beverage licenses shall not be permitted for properties within the MX-2 or MX-3 height districts, but such licenses shall be allowed for properties within the MX-1 Height District.

5. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

6. The following apply only to the uses specified: In the MX-1 area only, in planned developments with a minimum lot size of five acres, "Accessory Structures" such as clock towers attached to office and/or retail structures and "Theaters, Indoor" shall not exceed one hundred feet in height. See the Bulk Regulations Table in Section 21.50.260

Chapter 21.64 – Standards for Uses Subject to Standards

21.64.420 - Neighborhood convenience shopping uses in the PM2 district.

A. Applicability. The standards in this section apply to the following uses:

1. Food stores,
2. Personal care establishments,
3. PET GROOMING FACILITY

[3] 4. Retail goods stores, and

[4] 5. Specialty convenience retail goods stores.

B. A site design plan for the use is required.

C. Appropriate sound suppression techniques shall be employed to ensure that the level of noise emanating from within any establishment will not disturb the quiet and enjoyment of property in any nearby residential zoning districts.

D. Loitering is not permitted around the exterior of any use.

E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and odors, as per Title 17

F. Within an establishment live entertainment is not allowed and any recorded music shall be limited to background variety only.

G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the development to residential land uses and if commercial vehicles require the use of primarily residential roadways to access the commercial development.

H. Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.

I. Trash.

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.
2. Except where trash is placed in accordance with subsection (I)(1) of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

21.64.495 – PET GROOMING FACILITY.

A. ANIMALS MAY REMAIN WITHIN THE FACILITY DURING DAYTIME BUSINESS HOURS IN CONJUNCTION WITH GROOMING SERVICES RENDERED. UNDER NO CIRCUMSTANCES SHALL DAILY OR OVERNIGHT BOARDING OF ANIMALS BE PERMITTED.

B. THE OPERATOR OF A PET GROOMING FACILITY SHALL BE REQUIRED TO MAINTAIN A GROOMING PARLOR LICENSE ISSUED BY THE ANNE ARUNDEL

COUNTY ANIMAL CONTROL AGENCY IN ACCORDANCE WITH ANNE ARUNDEL COUNTY CODE – ARTICLE 12, SECTION 4-707 AS MAY BE AMENDED FROM TIME TO TIME.

C. PM2 AND PM DISTRICTS. IN THE PM2 AND PM DISTRICTS, THE FOLLOWING STANDARDS APPLY:

1. THIS USE MAY BE PROVIDED ONLY ON A GROUND FLOOR.
2. NEW CONSTRUCTION, EXPANSION OR SUBSTANTIAL REHABILITATION SHALL NOT PROVIDE COMMERCIAL OR RETAIL USES GREATER THAN FIFTY PERCENT OF A STRUCTURE'S GROSS FLOOR AREA.
3. WHERE THIS USE IS ESTABLISHED ON LOTS LESS THAN FIVE THOUSAND FOUR HUNDRED SQUARE FEET IN SIZE, ALL TRASH AND REFUSE SHALL BE STORED IN SELF-ENCLOSED TRASH STORAGE AREAS. TRASH STORAGE AREAS SHALL BE SCREENED IN AN APPROPRIATE MANNER USING A BOARD-ON-BOARD ENCLOSURE.

Chapter 21.72 – Terms and Definitions.

21.72.010 – Terms.

"PET GROOMING FACILITY" MEANS A BUSINESS ESTABLISHMENT, OTHER THAN A KENNEL OR ANIMAL HOSPITAL, THAT PROVIDES BASIC GROOMING FOR DOMESTIC ANIMALS, BUT DOES NOT ROUTINELY BOARD ANIMALS FOR A FEE. FOR THE PURPOSES OF THIS TITLE, A VETERINARY CLINIC THAT PROVIDES BASIC GROOMING IS NOT A PET GROOMING FACILITY.

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

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

EXPLANATION

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

Policy Report

Ordinance O-26-13

Pet Grooming Facilities

The proposed ordinance would separately define a “pet grooming facility” from a “personal care establishment,” and make a “pet grooming facility” a use subject to standards in all zoning districts that currently allow personal care establishments.

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

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

July 18, 2013

To: **Annapolis City Council**

From: **Planning Commission**

Re: **Findings - O-26-13 Pet Grooming Facilities**

SUMMARY

Ordinance O-26-13 proposes a text amendment to Title 21 in order to separately define a "pet grooming facility" from a "personal care establishment," and make pet grooming facilities a use subject to standards in all zoning districts that currently allow personal care establishments.

The current Annapolis Zoning Code does not define 'pet grooming' nor does it specify any zoning districts in which it may occur. Consequently, the Planning Department has expanded the 'personal care establishment' use to include pet grooming. Pet grooming is currently minimally regulated. There are no standards for its establishment. Ordinance O-26-13 provides standards and clarifies that no boarding of animals is to occur and required licensing through the Anne Arundel County Animal Control Agency.

STAFF RECOMMENDATION

At a regularly scheduled meeting on July 18, 2013, the Planning and Zoning staff presented their recommendation on the legislation. Passage of this ordinance will improve on the regulation of pet grooming businesses. The staff recommends approval of Ordinance O-26-13.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on July 18, 2013 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 a vote of 4 to 0 recommends adoption of the ordinance, with the elimination of the word "routinely" from the definition of pet grooming facility.

Adopted this 18th day of July, 2013

Eleanor Harris

Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

Legislation No: O-26-13 **First Reader Date:** 6-10-13
Note Date: 6-21-13

Legislation Title: Pet Grooming Facilities

Description: For the purpose of separately defining a 'pet grooming facility' from a 'personal care establishment,' and making a 'pet grooming facility' a use subject to standards in all zoning districts that currently allow personal care establishments.

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

CITY COUNCIL OF THE

City of Annapolis

Ordinance No. O-27-13

Sponsor: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Environmental Matters	7/22/13		

A ORDINANCE concerning

Sediment and Erosion Control

FOR the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Chapter 17.04
Chapter 17.08

WHEREAS, The Environment Article of the Annotated Code of Maryland requires the Maryland Department of the Environment (MDE) to implement a statewide erosion and sediment control program to control sediment-laden runoff from land disturbing activities; and

WHEREAS, MDE's obligation in meeting this mandate includes adopting regulations that establish criteria and procedures for erosion and sediment control throughout Maryland; and

WHEREAS, Each county and municipality, in turn, is required to adopt an erosion and sediment control ordinance that meets the intent of Maryland's sediment control laws and regulations.

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 17.04 – DEFINITIONS

17.04.010 - Accessory/appurtenant structure.

"Accessory/appurtenant structure" means a structure which is on the same parcel of property as the principal structure, is no greater than three hundred square feet and one story, and the use of which is incidental to the use of the principal structure.

17.04.020 - Adverse impact.

"Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability; or unreasonably may interfere with the enjoyment of life or property, including outdoor recreation.

17.04.030 - Afforestation.

"Afforestation" means the establishment of a tree crop on an area from which it always has or very long has been absent, or the planting of open areas which are not presently in forest cover.

17.04.040 - Agricultural land management practices.

"Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Logging and timber removal operations may not be considered a part of this definition.

17.04.050 - Applicant.

"Applicant" means an owner, developer or their authorized agent who executes the forms required for obtaining a permit pursuant to this title.

17.04.060 - Approved.

"Approved," as used in this title, means accepted by the Director of Neighborhood and Environmental Programs.

17.04.070 - As-built plans.

"As-built plans" means approved site plans that have been revised, if necessary, to represent the actual, physical characteristics of the completed site. All revisions shall be clearly marked, and shall include or reference any and all support calculations, measurements and information.

[17.04.080 - Base flood elevation.]

["Base flood elevation" means an elevation 7.2 feet above mean sea level.]

[17.04.090 - Basement.]

["Basement," for floodplain management purposes, means any area of a building having its floor sub-grade partly or completely below ground level.]

17.04.095 – BEST MANAGEMENT PRACTICE (BMP)

“BEST MANAGEMENT PRACTICE” (BMP) MEANS A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.

17.04.100 - Buffer.

"Buffer" means a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline and terrestrial environments from manmade disturbances.

17.04.110 - Canopy.

"Canopy" means the highest layer of woody vegetation.

17.04.120 - Certification.

"Certification" means a signed, written statement that specific construction, inspections or tests shall be or have been performed and that they comply with the applicable standard of this title. Certification shall be required by a registered professional of an appropriate discipline for the work performed, as determined by the Director of Neighborhood and Environmental Programs.

17.04.130 - City.

"City" means the City of Annapolis, Maryland.

17.04.140 - City Attorney.

"City Attorney" means the City Attorney of the City of Annapolis.

17.04.[160]**150** - Clearing.

"Clearing" means any activity that removes the vegetative ground cover **WHILE LEAVING THE ROOT MAT INTACT**.

17.04.[150]**160** - Coastal floodplain.

"Coastal floodplain" means those portions of the floodplain district subject to coastal or tidal flooding by a one-hundred-year flood, where detailed study data are available. The coastal floodplain appears on the "Flood Insurance Rate Maps" as Zones A, AE, and A1 through A30.

17.04.165 – CONCEPT PLAN

“CONCEPT PLAN” MEANS THE FIRST OF THREE PLANS SUBMITTED UNDER THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS REQUIRED BY THE STORMWATER MANAGEMENT ACT OF 2007 (ACT), AS MAY BE AMENDED FROM TIME TO TIME, AND DESCRIBED IN CODE OF MARYLAND REGULATIONS (COMAR) 26.17.02 AND SHALL INCLUDE THE FOLLOWING INFORMATION NECESSARY TO ALLOW AN INITIAL EVALUATION OF A PROPOSED PROJECT, PER 17.08.065 OF THE CITY CODE.

17.04.170 - Construction.

"Construction" means any activity on a site which in any way alters its physical character.

17.04.180 - Critical area.

"Critical area" means all lands and waters defined in Annotated Code of Maryland, Natural Resources Article, Section 8-1807 (or its successors).

17.04.190 - Cruising.

"Cruising" means any forestry activity by which estimates are made of timber size, density, and extent or value.

17.04.200 - Cutting.

"Cutting" means any act or the conditions resulting from any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or located.

17.04.210 - Demolition.

"Demolition" means the physical act of removing or razing a structure or group of structures that does not require clearing, stripping or grading of the site other than for access or for rubble removal or stabilization.

17.04.220 - Department.

"Department" means the Department of Neighborhood and Environmental Programs of the City of Annapolis.

17.04.230 - Design professional.

"Design professional" means a registered professional engineer, registered land surveyor, or a registered landscape architect.

17.04.240 - Detention structure.

"Detention structure" means a permanent structure for the temporary storage of surface water runoff which is designed not to create a permanent pool of water.

17.04.250 - Developed woodlands.

"Developed woodlands" means those areas one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial or industrial structures and uses.

17.04.260 - Developer.

"Developer" means any person or entity acting as a property owner or in behalf of a property owner to develop a site.

17.04.270 - Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to any construction, reconstruction, modification, extension or expansion of buildings or other structures, placement of fill or concrete, construction of new or replacement infrastructure, dumping, mining, dredging, grading, paving, drilling operations, storage of materials, land excavation, land clearing, land improvement or landfill operation. This term also includes the subdivision of land.

17.04.280 - Diameter at breast height.

"Diameter at breast height" ("DBH") means the diameter of a tree measured at four and one-half feet above existing, natural grade.

17.04.290 - Director.

"Director" means the Director of Neighborhood and Environmental Programs of the City of Annapolis.

17.04.300 - Diversion.

"Diversion" means a channel, ditch or ridge, constructed across a slope, which intercepts and diverts surface water runoff.

17.04.310 - Drainage area.

"Drainage area" means that area contributing surface water runoff to a single point, as measured in a horizontal plane.

17.04.315 – DRAINAGE WAY

“DRAINAGE WAY" MEANS ANY NATURAL OR ARTIFICIAL FLOW OR PATH, INCLUDING, BUT NOT LIMITED TO, STREAMS, RIVERS, CREEKS, PONDS, LAKES, DITCHES, CHANNELS, CANALS, CONDUITS, CULVERTS, DRAINS, WATERWAYS, GULLIES, RAVINES OR WASHES IN WHICH WATERS FLOW IN A DEFINITE DIRECTION OR COURSE, EITHER CONTINUOUSLY OR INTERMITTENTLY, AND INCLUDING ANY ADJACENT AREA WHICH IS SUBJECT TO INUNDATION BY REASON OF OVERFLOW OR FLOODWATERS.

17.04.320 - Dredging.

"Dredging" means any act of excavating in a body of water below the level of mean high tide.

17.04.330 - Dripline.

"Dripline" means the area on the ground beneath a tree as defined by the circumference of the tree's branches.

[17.04.340 - Elevation certificate.]

["Elevation certificate" means the official form as prepared and distributed by the Federal Emergency Management Agency, using mean sea level as established by the National Geodetic Vertical Datum of 1929.]

17.04.350 - Engineer.

"Engineer" means a "professional engineer" as defined in the Maryland Professional Engineers Act, Annotated Code of Maryland, Business Occupations and Professions Article, Title 14 (or its successors), who is in good standing and properly registered by the State of Maryland to practice engineering in accordance with the Act.

17.04.355 – ENVIRONMENTAL SITE DESIGN (ESD)

“ENVIRONMENTAL SITE DESIGN” (ESD) MEANS USING SMALL-SCALE STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

17.04.360 - Erosion.

"Erosion" means the process of wearing away of the land surface. Erosion may result from either natural processes or manmade activities.

17.04.370 - Erosion and sediment control.

"Erosion and sediment control" means a system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

17.04.380 - Erosion and sediment control plan.

"Erosion and sediment control plan" means a strategy or plan designed to minimize erosion and prevent off-site sedimentation by containing sediment on site or by passing sediment-laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Anne Arundel soil conservation district and this title, and designed in accordance with the [1994 Maryland] Standards and Specifications [for Soil Erosion and Sediment Control and any subsequent revisions].

17.04.390 - Excavation.

"Excavation" means any act or the conditions resulting from any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

17.04.395 – EXEMPTION

"EXEMPTION" MEANS THOSE LAND DEVELOPMENT ACTIVITIES THAT ARE NOT SUBJECT TO THE EROSION AND SEDIMENT CONTROL REQUIREMENTS CONTAINED IN THIS CHAPTER.

17.04.400 - Existing grade.

"Existing grade" means the vertical location of the existing ground surface prior to any grading activity.

17.04.410 - Facility.

"Facility" means a stormwater management design, and shall include all land, materials and appurtenances used in construction and operation of that design.

17.04.420 - Fill.

"Fill" means any act, or any resultant of the act, by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported.

17.04.425 – FINAL EROSION AND SEDIMENT CONTROL PLAN

"FINAL EROSION AND SEDIMENT CONTROL PLAN" MEANS, ALONG WITH THE FINAL STORMWATER MANAGEMENT PLAN, THE LAST OF THREE PLANS SUBMITTED UNDER THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS REQUIRED BY CHAPTER 17.10 OF THE CITY CODE AND DESCRIBED IN CHAPTER 17.08 OF THE CITY CODE. FINAL EROSION AND SEDIMENT CONTROL PLANS SHALL BE PREPARED AND APPROVED IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS OF THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, THE DIRECTOR, AND THIS CHAPTER AND DESIGNED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS.

17.04.430 - Finished grade.

"Finished grade" means the final grade or elevation of the ground surface conforming to the approved site plan, including all Department-approved modifications to the site plan. The intent for grading is to have grades that are not too steep or too flat for site conditions and to provide for drainage patterns.

[17.04.440 - Flood.]

["Flood" means a temporary inundation of normally dry land areas.]

17.04.450 - Flood-related erosion.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

17.04.460 - Flood-related erosion-prone area.

"Flood-related erosion-prone area" means a land area, adjoining the shore of a lake or other body of water, which, because of the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

[17.04.470 - Floodplain.]

["Floodplain" means (1) a relatively flat or lowland area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff or surface water from any source; or (3) an area subject to tidal surge or extreme tides.]

[17.04.480 - Floodproofing.]

["Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments of properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.]

17.04.490 - Forest.

"Forest" means a biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

17.04.500 - Grading.

["Grading" means any act causing disturbance of the existing grade. This shall include, but is not limited to, any activities involving excavation, filling, stockpiling, dredging of earth materials, grubbing, root mat or topsoil disturbance.] **“GRADING” MEANS TO DISTURB EARTH BY, INCLUDING BUT NOT LIMITED TO, EXCAVATING, FILLING, STOCKPILING, DREDGING OF EARTH MATERIALS, GRUBBING, REMOVING ROOT MAT OR TOPSOIL, OR ANY COMBINATION THEREOF.**

17.04.503 – GRADING UNIT

“GRADING UNIT” MEANS THE MAXIMUM CONTIGUOUS AREA ALLOWED TO BE GRADED AT A GIVEN TIME. FOR THE PURPOSES OF THIS CHAPTER, A GRADING UNIT IS 20 ACRES OR LESS.

17.04.507 – HIGHLY ERODIBLE SOILS

“HIGHLY ERODIBLE SOILS” MEANS THOSE SOILS WITH A SLOPE GREATER THAN 15 PERCENT OR THOSE SOILS WITH A SOIL ERODABILITY FACTOR, K, GREATER THAN 0.35 AND WITH SLOPES GREATER THAN 5 PERCENT.

17.04.510 - Housebarge.

"Housebarge", as used in this title, means "housebarge" as that term is defined in Section 15.02.030 of the code.

17.04.511 - Impervious surfaces.

"Impervious surfaces" means those areas which do not have a vegetated cover with a natural soil substrate or a stormwater management reservoir.

17.04.520 - Land disturbing activity.

"Land disturbing activity" means any action that results in the land surface or subgrade being either temporarily or permanently altered from its existing condition, whether that condition be of natural or manmade cover.

17.04.530 - Landscaping.

"Landscaping" means any act of planting, pruning, care or maintenance, or any other horticultural activity involving existing or transplanted vegetative material, including any associated digging or grading.

17.04.535 - Like-kind.

"Like-kind" means that the construction project is of the same nature or character. A mere difference in grade or quality does not disqualify the construction project.

[17.04.540 - Lowest floor.]

["Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that the enclosure is not built in a manner as to render the structure in violation of the applicable nonelevation design requirements of the Federal Emergency Management Agency, National Flood Insurance Program.]

17.04.550 - Manufactured home or building.

"Manufactured home or building" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home or building" also includes park trailers, travel trailers, and other similar vehicles placed on a site for more than one hundred eighty consecutive days.

[17.04.560 - Manufactured home park or subdivision.]

["Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.]

17.04.565 – MAXIMUM EXTENT PRACTICABLE (MEP)

“MAXIMUM EXTENT PRACTICABLE” (MEP) MEANS DESIGNING STORMWATER MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING ENVIRONMENTAL SITE DESIGN PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED AND ONLY WHERE ABSOLUTELY NECESSARY IS A STRUCTURAL BEST MANAGEMENT PRACTICE IMPLEMENTED.

[17.04.570 - Mean sea level.]

["Mean sea level" is as defined by the National Geodetic Vertical Datum of 1929.]

17.04.580 - Natural vegetation.

"Natural vegetation" means those plant communities that develop in the absence of human activities.

[17.04.585 - New construction.]

["New construction" is a structure for which the start of construction commenced on or after the effective date of the adoption of a floodplain management ordinance, and includes any

subsequent improvements.]

17.04.590 - Off-site facility.

"Off-site facility," with respect to any particular property, means a stormwater management facility serving, but not located on, that property.

17.04.600 - On-site facility.

"On-site facility," with respect to any particular property, means a stormwater management facility serving, and located on, that property.

17.04.610 - One-hundred-year storm event.

"One-hundred-year storm event" means the most severe storm of a twenty-four-hour duration expected within a one-hundred-year period. In any given year, the probability for that type of storm is one percent.

17.04.620 – Owner**/DEVELOPER**.

["Owner" means any person who, alone jointly or severally with others, holds legal or equitable title to any property or parcel of land referenced in the permit application.] **"OWNER/DEVELOPER" MEANS A PERSON UNDERTAKING, OR FOR WHOSE BENEFIT, ACTIVITIES COVERED BY THIS CHAPTER ARE CARRIED ON. GENERAL CONTRACTORS OR SUBCONTRACTORS, OR BOTH, WITHOUT A PROPRIETARY INTEREST IN A PROJECT ARE NOT INCLUDED WITHIN THIS DEFINITION.**

17.04.630 - Permit and tolling.

A. "Permit" means written, authorized approval to perform the proposed work.

B. Permits and any permit application reviewed, approved, and ready for issuance pursuant to Title 17, and any extensions thereof which are active and valid as of June 30, 2012, shall by definition be tolled until June 30, 2014 so that all such permits, permit application approvals, and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014.

1. The City of Annapolis Code in force at the time construction commences shall apply to all such permit application approvals.

17.04.640 - Permittee.

"Permittee" means any person to whom a permit is issued pursuant to this title.

17.04.650 - Person.

"Person" means and includes the Federal Government, the State, any County, municipal corporation or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

17.04.655 – POLLUTANT

"POLLUTANT" MEANS ANY LIQUID, GASEOUS, SOLID, OR OTHER SUBSTANCES WHICH WILL CAUSE WATER POLLUTION OF A WATER RESOURCE OF THE CITY.

17.04.660 - Pre-development.

"Pre-development" means the United States Department of Agriculture (USDA) Soil Conservation Service classification for "meadow" in good hydrologic condition.

17.04.670 - Principally above ground.

"Principally above ground" means that at least fifty-one percent of the actual cash value of a structure, less land value, is above ground as it pertains to the floodplain district.

17.04.680 - Private stormwater management facility.

"Private stormwater management facility" means any stormwater management facility which is not to be owned and maintained by the City or any other government agency.

17.04.690 - Pruning.

"Pruning" means any act of cutting or removing dead or living parts of branches of a tree or shrub in order to improve shape or growth.

17.04.700 - Public stormwater management facility.

"Public stormwater management facility" means any stormwater management facility which is to be owned and maintained by the City or any other governmental agency.

17.04.710 - Responsible personnel.

"Responsible personnel" means any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances.

17.04.720 - Retention structure.

"Retention structure" means a permanent structure that provides for the storage of surface water runoff by means of a permanent pool of water.

17.04.730 - Sediment.

"Sediment" means soils or other materials transported or deposited by the action of wind, water, ice, gravity or artificial means.

[17.04.740 - Sediment Control Inspection Agency.]

["Sediment Control Inspection Agency" means the City of Annapolis, Department of Neighborhood and Environmental Programs.]

17.04.750 - Shrub layer.

"Shrub layer" means the lowest layer of woody vegetation.

17.04.760 - Site.

"Site" means that portion of land, lot or parcel of land or combination of contiguous lots or parcels of land upon which grading or other land-disturbing activity is to be performed as part of a unit, subdivision or project.

17.04.770 - Site design plan.

"Site design plan" means drawings that reflect a conceptual design for the physical characteristics of a site for planning purposes. The site design plan provides preliminary engineering which may be subject to the revisions during final engineering design.

17.04.780 - Site plan.

"Site plan" means drawings that reflect the physical characteristics of a site. These drawings include existing and proposed conditions.

17.04.790 - Slope.

"Slope" means the inclined exposed surface of a fill, excavation or natural terrain, also the steepness or grade of that surface, expressed in terms of the ratio of horizontal distance to vertical rise, or in terms of a percentage.

17.04.800 - Soil.

"Soil" means all earth material of whatever origin that overlies bedrock, including, but not limited to, the decomposed zone of bedrock which readily can be excavated by mechanical equipment.

17.04.810 - Specimen.

"Specimen" means an individual tree uniquely representative of its species.

17.04.820 - Stabilization.

["Stabilization" means the prevention of soil movement by any of various vegetative or structural means.] **“STABILIZATION” MEANS THE PROTECTION OF EXPOSED SOILS FROM EROSION BY THE APPLICATION OF SEED AND MULCH, SEED AND MATTING, SOD, OTHER VEGETATIVE MEASURES, AND/OR STRUCTURAL MEANS.**

17.04.825 - Standards and specifications.

"Standards and specifications" means the "[1994] **2011** Maryland Standards and Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

17.04.830 - Steep slope.

"Steep slope" means a slope of greater than fifteen percent grade, which is characterized by increased runoff, erosion and sediment hazards.

17.04.[850]**840** - Start of construction.

"Start of construction" means the date of issuance of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within one hundred twenty days of permit issuance. The actual start of new construction means the initiation of any land-disturbing activity. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

17.04.850 – STORMWATER

“STORMWATER” MEANS WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

17.04.860 - Stormwater management.

"Stormwater management" ("SWM") refers both to quantitative control: a system of vegetative and structural measures which control the increased volume and rate of surface runoff caused by manmade changes to the land and have the effect of maintaining the existing patterns of flood magnitude and frequency; and qualitative control: a system of vegetative, structural and other measures which control or treat pollutants carried by surface runoff.

17.04.860 – STORMWATER MANAGEMENT SYSTEM

“STORMWATER MANAGEMENT SYSTEM” MEANS NATURAL AREAS, ESD PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER STRUCTURE THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES FROM A SITE.

[17.04.870 - Stripping.]

["Stripping" means any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing and removal of topsoil.]

17.04.8[4]**7**0 - Structure.

"Structure" means that which is built or constructed, to include but not limited to the following: a walled or roofed building, a gas or liquid storage tank, a building foundation, platform deck, swimming pool, bulkhead or greenhouse that is principally above ground and affixed to a permanent site or location.

17.04.880 - Subdivision.

"Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including a change in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

[17.04.885 - Substantial damage.]

["Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.]

17.04.890 - Substantial improvement.

"Substantial improvement" means:

[A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:]

[1. Before the improvement or repair is started, or]

[2. If the structure has been damaged and is being restored, before the damage occurred; and]

[B. Is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term, however, does not include either:]

[1. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are necessary solely to assure safe living conditions, or]

[2. Any alteration of a structure listed in the National Register of Historic Places or a State inventory of historic places.]

ANY RECONSTRUCTION, REHABILITATION, ADDITION, OR OTHER IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS FIFTY PERCENT OF THE MARKET VALUE OF THE BUILDING OR STRUCTURE BEFORE THE START OF CONSTRUCTION OF THE IMPROVEMENT. THE TERM INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE, REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT; HOWEVER, INCLUDE EITHER:

(1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN APPLICATION FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE LIVING CONDITIONS; OR

(2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC STRUCTURE.

17.04.900 - Ten-year storm event.

"Ten-year storm event" means the most severe storm of a twenty-four-hour duration expected within a ten-year period. In any given year, the probability for that type of storm is ten percent.

17.04.910 - Trenching.

"Trenching" means any act of cutting, digging or excavating a trench for the emplacement of utilities.

17.04.920 - Two-year storm event.

"Two-year storm event" means the most severe storm of a twenty-four-hour duration expected within a two-year period. In any given year, the probability of that type of storm is fifty percent.

17.04.930 - Tunneling.

"Tunneling" means any act of cutting, digging or excavating a tunnel for the emplacement of utilities.

17.04.940 - Understory.

"Understory" means the intermediate layer of woody vegetation.

17.04.950 - Variance.

"Variance" means [modification of the criteria set forth in the standards and specifications.] **THE MODIFICATION OF THE MINIMUM EROSION AND SEDIMENT CONTROL REQUIREMENTS FOR EXCEPTIONAL CIRCUMSTANCES SUCH THAT STRICT ADHERENCE TO THE REQUIREMENTS WOULD RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THIS CHAPTER.**

17.04.955 – WATER POLLUTION

"WATER POLLUTION" MEANS ANY CONTAMINATION OR OTHER ALTERATION OF THE PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF ANY WATERS, INCLUDING A CHANGE IN TEMPERATURE, TASTE, COLOR, TURBIDITY, OR ODOR OF THE WATERS OR THE DISCHARGE OR DEPOSIT OF ANY ORGANIC MATTER, HARMFUL ORGANISM, OR LIQUID, GASEOUS, SOLID, RADIOACTIVE, OR OTHER SUBSTANCE INTO ANY WATERS THAT WILL RENDER THE WATERS HARMFUL, OR DETRIMENTAL TO PUBLIC HEALTH AND SAFETY, LEGITIMATE BENEFICIAL USES, WILD ANIMALS, OR AQUATIC LIFE.

[17.04.960 – Watercourse or drainage way.

"Watercourse or drainage way" means any natural or artificial flow or path, including, but not limited to, streams, rivers, creeks, ponds, lakes, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines or washes in which waters flow in a definite direction or

course, either continuously or intermittently, and including any adjacent area which is subject to inundation by reason of overflow or floodwaters.]

17.04.960 – WATER RESOURCE

"WATER RESOURCE" MEANS ANY WETLANDS, EPHEMERAL STREAMS, INTERMITTENT STREAMS, PERENNIAL STREAMS, OTHER BODIES OF WATER, AND ANY OTHER DRAINAGE WAY THAT MAY CONTINUOUSLY OR INTERMITTENTLY CARRY WATER TO ONE OF THESE WATER RESOURCES.

17.04.970 - Watershed.

"Watershed" means the total drainage area contributing runoff to a specific water body, or to a specific point.

17.04.980 - Wetlands.

"Wetlands" means any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding, to include but not limited to land which is either considered "private wetland" or "State wetland" pursuant to Annotated Code of Maryland, Environment Article, Title 16 (or its successors), or defined as "wetland" by the U.S. Fish and Wildlife Service identification and classification procedures (or its successors).

17.04.990 - Wetland floodplain.

"Wetland floodplain" means those portions of land within the floodplain district subject to inundation by a one-hundred-year flood and determined to be "wetlands" as defined in this title.

17.04.1000 - Wildlife corridor.

"Wildlife corridor" means a strip of land having vegetation that provides habitat and a safe passageway for wildlife.

17.04.1010 - Work.

"Work" means any construction-related activity that leads to the performance of action provided by the grading or building permit.

Chapter 17.08 - GRADING, EROSION AND SEDIMENT CONTROL

17.08.010 - Purpose.

A. [The purpose of this chapter is to protect the public health, safety and property and the general welfare of the community by establishing minimum requirements for the stripping, excavating and filling of land, for dredging, and for the control of soil erosion and sediment. Minimizing soil erosion and off-site sedimentation will minimize damage to public and private property, and assist in the attainment and maintenance of water quality standards.] **THE PURPOSE OF THIS CHAPTER IS TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH LAND DISTURBANCES. THE GOAL IS TO MINIMIZE SOIL EROSION AND PREVENT OFF-SITE SEDIMENTATION BY USING SOIL EROSION AND SEDIMENT CONTROL PRACTICES DESIGNED IN ACCORDANCE WITH THE CODE OF MARYLAND REGULATIONS (COMAR) 26.17.01, THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS (STANDARDS AND SPECIFICATIONS) AND THE STORMWATER MANAGEMENT ACT OF 2007 (ACT) OR ITS SUCCESSORS. THIS CHAPTER WILL HELP REDUCE THE NEGATIVE IMPACTS OF LAND DEVELOPMENT ON WATER RESOURCES, MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF STREAMS, AND MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY.**

B. The provisions of this chapter are minimum requirements. They shall be conformed to in addition to, rather than in lieu of, all other legal requirements, and shall be construed liberally to accomplish the purposes set forth. No person shall allow and no landowner shall permit any work to be performed which violates this chapter.

C. The provisions of this chapter are adopted pursuant to Annotated Code of Maryland, Environment Article, Title 4, Subtitle 1 (or its successors), as well as the authority of the City Charter and the City Code and shall apply to all grading occurring within the City.

17.08.020 - Liability for damages.

The issuance of a permit under the provisions of this chapter or compliance with the provisions of this chapter does not relieve a person from responsibility for damage to persons or property otherwise imposed by law, or impose liability on the City for damages.

17.08.030 - Grading permit—Required application.

A. Except as set forth in Section 17.08.040, no person shall do and no owner allow, any grading of land without first having obtained a grading permit from the Director. Each permit shall authorize only the improvements set forth in the application and accompanying drawings, but each permit may cover any number of contiguous lots.

B. The application shall be filed with the Director or designee. Both the owner of the property and the contractor engaged to do the work are responsible equally for obtaining the required grading permit.

C. Each application for a grading permit shall be supported by the following:

1. Plans and specifications in accordance with Section 17.08.060

2. The required fees in accordance with Section 17.08.080

3. The written approval of appropriate State and Federal agencies, where applicable;

4. A right-of-entry to the City for periodic inspection for compliance with this title;

5. A bond in accordance with Section [18]**17**.08.092;

6. Payment to the City Finance Director of all applicable school impact fees assessed by Anne Arundel County, or proof that the project is not subject to the County's school impact fees.

17.08.040 - Grading permit—[Exceptions.] **EXEMPTIONS**

NO PERSON SHALL DISTURB LAND WITHOUT IMPLEMENTING SOIL EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS EXCEPT AS PROVIDED WITHIN THIS SECTION.

A. A grading permit is not required for the following **LIMITATIONS AS SET FORTH BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT'S MOST RECENT STANDARD SEDIMENT AND EROSION CONTROL PLAN LIMITATIONS,** provided that the other provisions of this chapter and of applicable State law are satisfied:

Land on which the following exist:

[1. Land-disturbing activities less than five thousand square feet, except for new single family homes for which a grading permit is required regardless of area disturbed,]

[2. The total excavation volume or fill volume of the site is less than one hundred cubic yards, and is above the established mean high water line,]

[3. Land-disturbing activities shall not include steep slope areas,]

[4. The owner, builder, developer or permittee is not the owner, builder, developer or permittee of any contiguous lots undergoing development,]

[5. The proposed grading will not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse, and]

[6. Grading will not take place within one hundred feet of the mean high water line.]

1. AGRICULTURAL LAND MANAGEMENT PRACTICES AND AGRICULTURAL BMPS.

2. THE LOT WHERE THE WORK IS TO BE PERFORMED IS ON A PAVED, GRAVELED OR PUBLICLY MAINTAINED STREET WHERE STORM DRAINS

ARE IN OPERATION AND ROADSIDE DITCHES ARE STABILIZED.

3. **NOT MORE THAN 5,000 SQUARE FEET OF GROUND SHALL BE DISTURBED; NO MORE THAN 2,000 SQUARE FEET FOR WATERFRONT LOTS.**

4. **CUTS AND FILLS SHALL NOT EXCEED 10 FEET IN DEPTH OR HEIGHT AND SHALL NOT EXCEED 100 CUBIC YARDS IN VOLUME.**

5. **SLOPES WITH A GRADE OF 15% OR GREATER SHALL NOT BE DISTURBED AND SLOPES STEEPER THAN 3:1 MAY NOT BE CREATED.**

6. **HIGHLY ERODIBLE SOILS SHALL NOT BE DISTURBED.**

7. **NO EARTH DISTURBANCE SHALL OCCUR WITHIN THE FOLLOWING WITH THE EXCEPTION OF SHORELINE STABILIZATION PROJECTS AND RETAINING WALL REPLACEMENTS IN KIND:**

    a. **THE LIMITS OF THE 100 YEAR FLOODPLAIN OF ANY STREAM;**

    b. **100 FEET OF ANY PERENNIAL STREAM OR WATER BODY;**

    c. **100 FEET LANDWARD OF THE MEAN HIGH WATER LINE OF ANY WATER BODY AFFECTED BY TIDAL ACTION (SUBJECT TO VARIANCE PROCEDURES IN TITLE 21 OF THE CITY CODE);**

    d. **100 FEET FROM ANY TIDAL WETLAND OR BOG; OR**

    e. **25 FEET OF ANY NON-TIDAL WETLAND EXCEPT FOR AN APPROVED BUFFER MANAGEMENT PLAN APPROVED BY THE CITY FOR CLEARING LESS THAN 5,000 SQUARE FEET OF VEGETATION.**

8. **THE OWNER, BUILDER OR DEVELOPER IS NOT THE SAME OWNER, BUILDER OR DEVELOPER OF ANY CONTIGUOUS LOTS UNDERGOING DEVELOPMENT.**

9. **THE PROPOSED CONSTRUCTION IS NOT A SINGLE FAMILY DWELLING OR AN ADDITION OR MODIFICATION THAT IS CLASSIFIED AS A SUBSTANTIAL IMPROVEMENT TO AN EXISTING SINGLE FAMILY DWELLING AS DETERMINED IN ACCORDANCE WITH CITY OF ANNAPOLIS CODE.**

10. **ANY PROPOSED GRADING WILL NOT IMPAIR EXISTING SURFACE DRAINAGE, CONSTITUTE A POTENTIAL EROSION HAZARD OR ACT AS A SOURCE OF SEDIMENTATION TO ADJACENT LAND OR WATER RESOURCE OR IMPACT AN EROSION AND SEDIMENT CONTROL PLAN PREVIOUSLY APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT OR THE CITY OF ANNAPOLIS.**

11. **THE SITE CONDITIONS MUST BE SUCH THAT IT IS POSSIBLE TO SATISFY THE REQUIRED EROSION AND SEDIMENT CONTROL REQUIREMENTS BY THE USE OF REINFORCED SILT FENCE, A STABILIZED CONSTRUCTION ENTRANCE AND VEGETATIVE STABILIZATION.**

12. **THE APPLICANT HAS SUBMITTED A SITE PLAN ADEQUATELY SHOWING THE PROPERTY LINES, SITE CONDITIONS, AND THE PROPOSED WORK WHICH IS ATTACHED HERETO AND MADE A PART THEREOF.**

13. FOR WORK IN THE CRITICAL AREA, THE APPLICANT HAS SUBMITTED A CRITICAL AREA WORKSHEET DETAILING EXISTING, AND PROPOSED LOT COVERAGE AND IMPERVIOUS COVER.

14. THE PROPOSED WORK DOES NOT REQUIRE A STATE WATERWAY OR WETLAND PERMIT EXCEPT WHERE THE PROJECT IS A SHORELINE STABILIZATION PROJECT.

B. Land-disturbing activities that are subject exclusively to State approval and enforcement under State law and regulations.

C. **IF A GRADING PERMIT IS NOT REQUIRED UNDER SUB-SECTION A, A STANDARD SEDIMENT AND EROSION CONTROL PLAN SHALL BE ISSUED.**

17.08.050 - Variances—Erosion and sediment control plan.

A. The Director, based on written recommendations from the Anne Arundel Soil Conservation District, may grant a variance from the requirements of the ["1994 Maryland] Standards and Specifications [for Soil Erosion and Sediment Control," and any subsequent revisions], if strict adherence to the specifications will result in [unnecessary] **EXCEPTIONAL** hardship and not fulfill the intent of this chapter. The developer shall submit a written request for a variance to the **DIRECTOR AND THE** Anne Arundel Soil Conservation District. The request shall state the specific variances sought and reasons for requesting the variance. The Director shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the owner/developer to the satisfaction of the Anne Arundel Soil Conservation District **AND THE DIRECTOR**.

B. The granting of a variance as noted in this section does not in any way exempt the applicant from compliance with the other requirements of this chapter.

17.08.060 - Permit—Plans and specifications.

[The grading permit application shall include site plans and specifications prepared by a design professional that provide, but shall not be limited to, the following information:]

[A. An erosion and sediment control plan, on a scale not less than one inch equals forty feet, which meets the requirements of the Anne Arundel Soil Conservation District, this title, the State sediment control regulations, COMAR 26.17.01 and the "1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control" and any subsequent revisions. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan. The plan shall include the following:]

[1. Applicant information: names, addresses and telephone numbers of the applicant, owner, contractor, developer, engineer, and person responsible for the proposed work,]

[2. Site location information: lot number, section, block, zone, property tax number, and address,]

[3. A vicinity sketch indicating north arrow, scale and other information necessary to locate the property easily,]

[4. A boundary line survey delineating the property lines of the site, or a copy of the officially recorded plat,]

[5. Existing and proposed topography for the site and the one-hundred-foot peripheral strip at contour intervals as determined by the slope:]

[a. Average three percent or less, contours shall have not more than one-foot interval,]

[b. Average more than three percent but less than fifteen percent, contours shall have not more than a two-foot interval, or]

[c. Average fifteen percent or more, contours shall have not more than a five-foot interval,]

[6. Location of existing and proposed buildings or structures, utilities, sanitary sewers, water mains, storm drainage systems, roadways, and fences on the site and within one hundred feet of the site,]

[7. The estimated disturbed surface area, volumes of cut, fill, borrow and spoil materials for the site and limits of grading,]

[8. Sequence of construction describing the relationship between the implementation and maintenance of erosion and sediment control measures, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, include a schedule and time frame for the following activities:]

[a. Clearing and grubbing for those areas necessary for installation of perimeter controls,]

[b. Construction of perimeter controls,]

[c. Remaining clearing and grubbing,]

[d. Road grading,]

[e. Grading for remainder of site,]

[f. Utility installation,]

[g. Final grading, landscaping or stabilization, and]

[h. Removal of controls.]

[9. Erosion and sediment control measures that minimize on-site erosion and prevent off-site sedimentation, including:]

[a. Provisions to preserve topsoil and limit disturbance,]

[b. Details of grading practices,]

[c. Design details for structural controls that pertain to drainage, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, and other protective devices to be constructed in connection with, or as part of, the proposed work, and]

[d. Details of temporary and permanent stabilization measures, including placement of the following statement on the plan:]

[Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within:]

[i. Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than three horizontal to one vertical (3:1), and]

[ii. For all other disturbed or graded areas on the project site, not to exceed fourteen days if no backfilling takes place or immediately upon the backfilling of the foundation,]

[The requirements of subsections (A)(9)(d)(i) and (ii) of this section do not apply to those areas which are shown on the plan and currently are being used for material storage or for those areas on which actual active construction activities are being performed. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the "1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control" and any subsequent revisions,]

[10. A statement shall be placed on the sediment and erosion control plan that states the following: "The developer/owner shall request that the Director approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and this title."]

[a. On all sites with disturbed areas in excess of two acres, approval of the Sediment Control Inspection Agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until this initial approval by the Director is made, and]

[b. Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of two acres before removal of controls,]

[11. Certification by the developer/owner that any clearing, grading, construction or development, or all of these, will be done pursuant to this plan and that responsible personnel involved in the construction project will have a Certificate of Training at a Maryland Department of the Environment approved training program for the control of sediment and erosion before beginning the project. The Certification of Training for Responsible Personnel requirement may be waived by the Anne Arundel Soil Conservation District on any project involving four or fewer residential units,]

[12. A statement on the sediment and erosion control plan that indicates the permittee shall notify the Director forty-eight hours before commencing any land-

disturbing activity;]

[B. Adequate plans and specifications detailing:]

[1. Complete storm drainage information:]

[a. Drainage area map, and where applicable, subdrainage area boundaries, on a scale of not less than one inch to two hundred feet,]

[b. Hydrologic and hydraulic studies, as required by the Department, and]

[c. Requirements as stated in Chapter 17.10, Stormwater Management, of this code,]

[2. Requirements as stated in Chapter 17.11, Floodplain Management, of this code,]

[3. Profiles for the following, where required by the Department:]

[a. Roadways,]

[b. Storm drainage systems and drainage channels,]

[c. Sanitary sewers, and]

[d. Water lines,]

[4. Requirements as stated in Chapter 17.09, Trees in Development Areas, of this code,]

[5. An engineer's certification where determined to be necessary by the Director,]

[6. Supplemental reports, data or additional information as the Department may require to the adequacy of the proposed plan. This information may include, but is not limited to:]

[a. A record of field observations,]

[b. Field test data (such as behavior of adjacent or nearby structures, geologic history and origin of soil, test boring log giving classification, standard penetration data and water level observations, pile load test, plate load test, and others as necessary),]

[c. Laboratory test data (such as moisture density curves, grain size curves, shear strength tests, moisture content, and consolidation test results),]

[d. Project characteristics (such as those affecting soil and foundation design, sensitivity to settlement and design loads, factor of safety against failure, consequences of failure and merits of programmed maintenance, location of borrow pits on site or location where suitable fill will be obtained), and]

[e. An outfall survey that documents the preconstruction and post-construction conditions of the development site's drainage area outfall, and which may include a topographical or bathymetric survey, vegetation description, photographic or video documentation, and soil survey. Monitoring devices may

be required,]

[7. The Department may waive the filing of particular information wherever in its judgment the information will serve no useful purpose for the particular project and the waiver does not contravene the purposes of this title.]

A. AN APPLICANT IS RESPONSIBLE FOR SUBMITTING EROSION AND SEDIMENT CONTROL PLANS THAT MEET THE REQUIREMENTS OF THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, THIS CHAPTER OF THE CITY CODE, CHAPTER 17.10 OF THE CITY CODE, THE STANDARDS AND SPECIFICATIONS, AND THE ACT. THE PLANS SHALL INCLUDE SUFFICIENT INFORMATION TO EVALUATE THE ENVIRONMENTAL CHARACTERISTICS OF THE AFFECTED AREAS, THE POTENTIAL IMPACTS OF THE PROPOSED GRADING ON WATER RESOURCES, AND THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED TO MINIMIZE SOIL EROSION AND OFF-SITE SEDIMENTATION.

B. AT A MINIMUM, AN APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION:

1. A LETTER OF TRANSMITTAL AND/OR APPLICATION;

2. NAME, ADDRESS, AND TELEPHONE NUMBER OF:

A. THE OWNER OF THE PROPERTY WHERE THE GRADING IS PROPOSED;

B. THE DEVELOPER; AND

C. THE APPLICANT;

3. A VICINITY MAP INDICATING NORTH ARROW, SCALE, SITE LOCATION, AND OTHER INFORMATION NECESSARY TO EASILY LOCATE THE PROPERTY;

4. DRAINAGE AREA MAP(S) AT A 1" = 200' MINIMUM SCALE SHOWING EXISTING, INTERIM, AND PROPOSED TOPOGRAPHY, PROPOSED IMPROVEMENTS, STANDARD SYMBOLS FOR PROPOSED SEDIMENT CONTROL FEATURES, AND PERTINENT DRAINAGE INFORMATION INCLUDING PROVISIONS TO PROTECT DOWNSTREAM AREAS FROM EROSION FOR A MINIMUM OF 200 FEET DOWNSTREAM OR TO THE NEXT CONVEYANCE SYSTEM;

5. THE LOCATION OF NATURAL RESOURCES, WETLANDS, FLOODPLAINS, HIGHLY ERODIBLE SOILS, SLOPES 15 PERCENT AND STEEPER, AND ANY OTHER SENSITIVE AREAS;

6. A GENERAL DESCRIPTION OF THE PREDOMINANT SOIL TYPES ON THE SITE, AS DESCRIBED BY THE APPROPRIATE SOIL SURVEY INFORMATION AVAILABLE THROUGH THE LOCAL SOIL CONSERVATION DISTRICT OR THE USDA NATURAL RESOURCES SOIL CONSERVATION SERVICE;

7. PROPOSED STORMWATER MANAGEMENT PRACTICES;

8. EROSION AND SEDIMENT CONTROL PLANS INCLUDING:

A. THE EXISTING TOPOGRAPHY AND IMPROVEMENTS AS WELL AS PROPOSED TOPOGRAPHY AND IMPROVEMENTS AT A SCALE BETWEEN 1" = 10' AND 1" = 50' WITH 2 FOOT CONTOURS OR OTHER APPROVED CONTOUR INTERVAL.

FOR PROJECTS WITH MORE THAN MINOR GRADING, INTERIM CONTOURS MAY ALSO BE REQUIRED;

B. SCALE, PROJECT AND SHEET TITLE, AND NORTH ARROW ON EACH PLAN SHEET;

C. THE LIMIT OF DISTURBANCE (LOD) INCLUDING:

I. LIMIT OF GRADING (GRADING UNITS, IF APPLICABLE); AND

II. INITIAL, INTERIM, AND FINAL PHASES;

D. THE PROPOSED GRADING AND EARTH DISTURBANCE INCLUDING:

I. TOTAL DISTURBED AREA;

II. VOLUME OF CUT AND FILL QUANTITIES; AND

III. VOLUME OF BORROW AND SPOIL QUANTITIES;

E. STORM DRAINAGE FEATURES, INCLUDING:

I. EXISTING AND PROPOSED BRIDGES, STORM DRAINS, CULVERTS, OUTFALLS, ETC.;

II. VELOCITIES AND PEAK FLOW RATES AT OUTFALLS FOR THE TWO-YEAR AND TEN-YEAR FREQUENCY STORM EVENTS; AND

III. SITE CONDITIONS AROUND POINTS OF ALL SURFACE WATER DISCHARGE FROM THE SITE;

IV. DRAINAGE AREA MAP AND, WHERE APPLICABLE, SUBDRAINAGE AREA BOUNDARIES, ON A SCALE OF NOT LESS THAN ONE INCH TO TWO HUNDRED FEET;

V. HYDROLOGIC AND HYDRAULIC STUDIES, AS REQUIRED BY THE DEPARTMENT; AND

VI. REQUIREMENTS AS STATED IN CHAPTER 17.10, STORMWATER MANAGEMENT, OF THE CITY CODE;

F. EROSION AND SEDIMENT CONTROL PRACTICES TO MINIMIZE ON-SITE EROSION AND PREVENT OFF-SITE SEDIMENTATION INCLUDING:

I. THE SALVAGE AND REUSE OF TOPSOIL;

II. PHASED CONSTRUCTION AND IMPLEMENTATION OF GRADING UNIT(S) TO MINIMIZE DISTURBANCES, BOTH IN EXTENT AND DURATION;

III. LOCATION AND TYPE OF ALL PROPOSED SEDIMENT CONTROL PRACTICES;

IV. DESIGN DETAILS AND DATA FOR ALL EROSION AND SEDIMENT CONTROL PRACTICES; AND

V. SPECIFICATIONS FOR TEMPORARY AND PERMANENT STABILIZATION MEASURES INCLUDING, AT A MINIMUM:

(A) THE "STANDARD STABILIZATION NOTE" ON THE PLAN STATING: "FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION MUST BE COMPLETED WITHIN:

(I) THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); AND

(II) SEVEN (7) CALENDAR DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING."

(B) DETAILS FOR AREAS REQUIRING ACCELERATED STABILIZATION; AND

(C) MAINTENANCE REQUIREMENTS AS DEFINED IN THE STANDARDS AND SPECIFICATIONS;

(D) THE "VERTICAL STABILIZATION NOTE" ON THE PLAN STATING: "BUILDING CONSTRUCTION MAY NOT PROCEED PAST THE GROUND FLOOR UNTIL THE FOUNDATION HAS BEEN BACKFILLED AND ALL REMAINING DISTURBED AREAS HAVE BEEN PERMANENTLY OR TEMPORARILY STABILIZED. ONCE THE SITE IS STABILIZED, WITH THE DEPARTMENT'S APPROVAL, FRAMING MAY COMMENCE ABOVE THE GROUND FLOOR. DURING BUILDING CONSTRUCTION BEYOND THE GROUND FLOOR, ALL DISTURBED AREAS MUST BE STABILIZED AT THE END OF EACH BUSINESS DAY;

G. A SEQUENCE OF CONSTRUCTION DESCRIBING THE RELATIONSHIP BETWEEN THE IMPLEMENTATION AND MAINTENANCE OF CONTROLS, INCLUDING PERMANENT AND TEMPORARY STABILIZATION, AND THE VARIOUS STAGES OR PHASES OF EARTH DISTURBANCE AND CONSTRUCTION. ANY CHANGES OR REVISIONS TO THE SEQUENCE OF CONSTRUCTION MUST BE APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT OR THE DEPARTMENT PRIOR TO PROCEEDING WITH CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AT A MINIMUM, MUST INCLUDE THE FOLLOWING:

I. REQUEST FOR A PRE-CONSTRUCTION MEETING WITH THE APPROPRIATE ENFORCEMENT AUTHORITY;

II. CLEARING AND GRUBBING AS NECESSARY FOR THE INSTALLATION OF PERIMETER CONTROLS;

III. CONSTRUCTION AND STABILIZATION OF PERIMETER CONTROLS;

IV. REMAINING CLEARING AND GRUBBING WITHIN INSTALLED PERIMETER CONTROLS;

V. ROAD GRADING;

VI. GRADING FOR THE REMAINDER OF THE SITE;

VII. UTILITY INSTALLATION AND CONNECTION TO EXISTING STRUCTURES;

VIII. CONSTRUCTION OF BUILDINGS, ROADS, AND OTHER CONSTRUCTION;

IX. FINAL GRADING, LANDSCAPING, AND STABILIZATION;

X. INSTALLATION OF STORMWATER MANAGEMENT MEASURES;

XI. APPROVAL OF THE SEDIMENT CONTROL INSPECTOR PRIOR TO REMOVAL OF SEDIMENT CONTROLS; AND

XII. REMOVAL OF CONTROLS AND STABILIZATION OF AREAS THAT ARE DISTURBED BY REMOVAL OF SEDIMENT CONTROLS;

H. A STATEMENT REQUIRING THE OWNER/DEVELOPER OR REPRESENTATIVE TO CONTACT THE DEPARTMENT AT THE FOLLOWING STAGES OF THE PROJECT OR IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, GRADING PERMIT, OR BUILDING PERMIT:

I. FORTY-EIGHT HOURS PRIOR TO THE START OF EARTH DISTURBANCE;

II. UPON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH DISTURBANCE OR GRADING;

III. PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR OPENING OF ANOTHER GRADING UNIT; AND

IV. PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES;

I. REQUIREMENTS AS STATED IN CHAPTER 17.11, FLOODPLAIN MANAGEMENT, OF THE CITY CODE;

J. REQUIREMENTS AS STATED IN CHAPTER 17.09, TREES IN DEVELOPMENT AREAS, OF THE CITY CODE;

K. AN ENGINEER'S CERTIFICATION WHERE DETERMINED TO BE NECESSARY BY THE DEPARTMENT;

L. SUPPLEMENTAL REPORTS, DATA OR ADDITIONAL INFORMATION AS THE DEPARTMENT MAY REQUIRE TO THE ADEQUACY OF THE PROPOSED PLAN. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO:

I. A RECORD OF FIELD OBSERVATIONS;

II. FIELD OR LABORATORY TEST DATA;

III. AN OUTFALL SURVEY THAT DOCUMENTS THE PRE-CONSTRUCTION AND POST-CONSTRUCTION CONDITIONS OF THE DEVELOPMENT SITE'S DRAINAGE AREA OUTFALL, AND WHICH MAY INCLUDE A TOPOGRAPHICAL OR BATHYMETRIC SURVEY, VEGETATION

DESCRIPTION, PHOTOGRAPHIC OR VIDEO DOCUMENTATION, AND SOIL SURVEY. MONITORING DEVICES MAY BE REQUIRED;

M. THE DEPARTMENT MAY WAIVE THE FILING OF PARTICULAR INFORMATION WHEREVER IN ITS JUDGEMENT THE INFORMATION WILL SERVE NO USEFUL PURPOSE FOR THE PARTICULAR PROJECT AND THE WAIVER DOES NOT CONTRAVENE THE PURPOSES OF THIS TITLE;

N. CERTIFICATION BY THE OWNER/DEVELOPER THAT ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED EROSION AND SEDIMENT CONTROL PLAN. THE CERTIFICATION MUST ALSO REQUIRE THAT THE RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT HAVE A CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT PRIOR TO BEGINNING THE PROJECT. THE CERTIFICATE OF TRAINING FOR RESPONSIBLE PERSONNEL MAY BE WAIVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT ON ANY PROJECT INVOLVING FOUR OR FEWER RESIDENTIAL LOTS. ADDITIONALLY, THE OWNER/DEVELOPER SHALL ALLOW RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, THE DEPARTMENT, AND/OR MDE;

O. CERTIFICATION BY A PROFESSIONAL ENGINEER, LAND SURVEYOR, LANDSCAPE ARCHITECT, ARCHITECT, OR FORESTER (FOR FOREST HARVEST OPERATIONS ONLY) REGISTERED IN THE STATE THAT THE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL LAWS, REGULATIONS, AND STANDARDS, IF REQUIRED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, THE DEPARTMENT, OR THE MARYLAND DEPARTMENT OF THE ENVIRONMENT;

P. ANY ADDITIONAL INFORMATION OR DATA DEEMED APPROPRIATE BY THE DEPARTMENT.

17.08.065 – REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS

A. A PERSON MAY NOT GRADE LAND WITHOUT AN EROSION AND SEDIMENT CONTROL PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT AND THE DEPARTMENT.

B. THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT AND THE DEPARTMENT SHALL REVIEW EROSION AND SEDIMENT CONTROL PLANS TO DETERMINE COMPLIANCE WITH THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS PRIOR TO APPROVAL. IN APPROVING THE PLAN, THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT AND THE DEPARTMENT MAY IMPOSE SUCH CONDITIONS THAT MAY BE DEEMED NECESSARY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, COMAR 26.17.01, THE STANDARDS AND SPECIFICATIONS, AND THE PRESERVATION OF PUBLIC HEALTH AND SAFETY.

C. THE REVIEW AND APPROVAL PROCESS SHALL BE IN ACCORDANCE WITH THE COMPREHENSIVE AND INTEGRATED PLAN APPROVAL PROCESS DESCRIBED IN

THE STANDARDS AND SPECIFICATIONS, CHAPTER 17.10 OF THE CITY CODE.

D. AT A MINIMUM, A CONCEPT PLAN MUST INCLUDE THE MAPPING OF NATURAL RESOURCES AND SENSITIVE AREAS INCLUDING HIGHLY ERODIBLE SOILS AND SLOPES GREATER THAN 15 PERCENT, WATER RESOURCES, AS WELL AS INFORMATION REQUIRED UNDER CHAPTER 17.10 OF THE CITY CODE, OR ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT. THESE AREAS ARE TO REMAIN UNDISTURBED OR AN EXPLANATION MUST BE INCLUDED WITH EITHER THE CONCEPT OR SITE DEVELOPMENT PLAN DESCRIBING ENHANCED PROTECTION STRATEGIES FOR THESE AREAS DURING CONSTRUCTION.

E. A SITE DEVELOPMENT PLAN SUBMITTAL MUST INCLUDE ALL CONCEPT PLAN INFORMATION AND INDICATE HOW PROPOSED EROSION AND SEDIMENT CONTROL PRACTICES WILL BE INTEGRATED WITH PROPOSED STORMWATER MANAGEMENT PRACTICES. THE LATTER IS TO BE DONE THROUGH A NARRATIVE AND AN OVERLAY PLAN SHOWING BOTH ESD AND EROSION AND SEDIMENT CONTROL PRACTICES. AN INITIAL SEQUENCE OF CONSTRUCTION AND PROPOSED PROJECT PHASING TO ACHIEVE THE GRADING UNIT RESTRICTION SHALL BE SUBMITTED AT THIS TIME.

F. AN APPLICANT SHALL SUBMIT A FINAL EROSION AND SEDIMENT CONTROL PLAN TO THE DEPARTMENT FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE ALL OF THE INFORMATION REQUIRED BY THE CONCEPT AND SITE DEVELOPMENT PLANS AS WELL AS ANY INFORMATION IN 17.08.060 OF THE CITY CODE NOT ALREADY SUBMITTED, AND ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

G. A FINAL EROSION AND SEDIMENT CONTROL PLAN SHALL NOT BE CONSIDERED APPROVED WITHOUT THE INCLUSION OF THE SIGNATURE AND DATE OF THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT ON THE PLAN.

H. APPROVED PLANS REMAIN VALID FOR 2 YEARS FROM THE DATE OF APPROVAL UNLESS EXTENDED OR RENEWED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT AND THE DEPARTMENT.

I. GRANDFATHERING OF APPROVED SEDIMENT & EROSION CONTROL PLANS:

1. ANY PLANS THAT RECEIVE FINAL APPROVAL AFTER JANUARY 9, 2013 MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND THE STANDARDS AND SPECIFICATIONS.

2. A PLAN THAT RECEIVES FINAL APPROVAL BY JANUARY 9, 2013 MAY BE REAPPROVED UNDER ITS EXISTING CONDITIONS IF GRADING ACTIVITIES HAVE BEGUN ON THE SITE BY JANUARY 9, 2015, WITH THE EXCEPTION OF STABILIZATION REQUIREMENTS.

3. STABILIZATION PRACTICES ON ALL SITES MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS BY JANUARY 9, 2013 REGARDLESS OF WHEN AN APPROVED EROSION AND SEDIMENT CONTROL PLAN WAS APPROVED.

17.08.070 - Permit—Approvals.

No grading permit shall be issued unless:

A. The Department has reviewed and approved all site plans and specifications, and verified the estimated costs; and

B. An erosion and sediment control plan has been approved by the Anne Arundel Soil Conservation District. The approved plan shall include the signature and date of approval by the approval agency; and

C. All plans have received written approval by the appropriate State and Federal agencies, where applicable; and

D. Special exception or subdivision approval, as appropriate, has been obtained for land development projects; and

E. For a use which is designated under Title 21 as a permitted use subject to standards, the project first has been approved by the Department of Planning and Zoning in accordance with Chapter 21.64 of the code; and

F. All other provisions within the code have been satisfied, as required. The Department may impose such conditions as may be determined to be necessary to ensure compliance with the provisions of this title, the State sediment control regulations, COMAR 26.17.01, the ["1994 Maryland] Standards and Specifications [for Soil Erosion and Sediment Control" (or any subsequent revisions)], or for the preservation of public health and safety.

17.08.080 - Grading permit—Fees—Reinspection.

A. The fee for a grading permit shall be based upon the estimated cost of site work proposed, and includes the cost of materials and labor for installation and construction of such items as earthmoving, sediment control measures, storm drainage systems and stormwater management facilities, and roadways. Estimated costs and quantities shall be submitted to the Department. The fee shall be established by resolution of the City Council.

1. The application fee will not be refundable for any reason except if the permit application has been denied. The application fee will be applied to the final cost of the grading permit at the time of issuance per the procedures as established by the Department of Public Works.

B. Reinspection Fee. A fee as established by resolution of the City Council must be paid before another inspection is made if, for the original inspection, one or more of the following occurred:

1. Requesting party called for inspection, but work was not ready;

2. Requesting party was not on site;

3. Building was locked;

4. Safety features not on site;

5. Approved drawings not on site;

6. Permit not posted on site.

17.08.090 - Bonding—Purpose.

The purpose of the bond is to guarantee and insure, in the event of failure, that all work authorized by the permit will be completed satisfactorily, and that the site will be restored to a condition meeting the minimum requirements of this chapter.

17.08.092 - Bonding—Required.

A. A performance bond shall be a prerequisite to obtaining a grading permit when:

1. Greater than five thousand square feet is disturbed; or

2. More than one [thousand] **HUNDRED** cubic yards are graded; or

3. Any public facility or stormwater management facility is proposed.

B. The bond amount shall be based upon the total estimated cost of labor and materials for construction and installation of:

1. Earthmoving;

2. Erosion and sediment control measures;

3. Vegetative stabilization;

4. Stormwater management systems and facilities;

5. Public sanitary sewers and water mains;

6. Roadways and roadway improvements; and

7. Any other public improvements.

C. A maintenance bond shall be required upon satisfactory completion of all requirements set forth in the grading permit. The maintenance bond shall represent a minimum of ten percent of the performance bond and is in effect for a minimum of one year. The Director or his or her designee may make adjustments based on current estimates or site conditions.

D. Bonding estimates shall be certified by a registered engineer or land surveyor.

E. Before acceptance, all bonds shall be approved by the Director or his or her designee and the City Attorney.

F. In lieu of a bond, a cash deposit, certified check or an irrevocable letter of credit from a local bank or other accredited institution in like amount, may be filed with the Department subject to the same terms and conditions as applicable to a performance bond. All bonds and letters of credit shall be submitted in City format.

G. If a corporation bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State, and if a cash bond is offered, it is to be deposited with the Director of Finance, who shall give an official receipt stipulating that the cash has been deposited in compliance with, and subject to, the provisions of this section.

H. If all work of the permit is not completed within the time specified in Section 17.08.140, or if any portion of the work violates any other terms or conditions, the cash deposit shall be forfeited, or if a bond or letter of credit has been posted, payment in full to the City will be ordered. The funds so received shall be used by the City for defraying the cost of contracting, including engineering and administration, for the restoration of the site to meet the minimum requirements of this chapter, with particular emphasis on stabilization, safety, drainage and erosion control. If those costs exceed that amount of deposit or bond or letter of credit, the excess constitutes a lien on the property, and the permittee continues to be bound firmly under a continuing obligation for payment of any and all costs and expenses of any nature incurred by the City. Any unused portion of moneys forfeited shall be returned. No money shall be returned to any surety or guaranty company if such funds were acquired, obtained or paid pursuant to a court order or judgment.

17.08.100 - Permit—Bond provisions.

The bond or letter of credit shall include the following provisions:

A. The applicant shall comply with Section 17.09.092, this section and all other applicable laws and ordinances.

B. The applicant shall comply with all of the terms and conditions of the grading permit.

C. Any extension of completion time pursuant to the provisions of Section 17.08.140 shall not release the applicant.

D. Upon default, the applicant shall continue to be bound firmly under a continuing obligation for payment of one of the following, at the election of the surety:

1. All costs and expenses necessary to complete the work in accordance with the approved plans and specifications (or any approved modification to the approved plans or specifications; or

2. All necessary costs and expenses or liabilities which may be incurred to stabilize in accordance with the stabilization plan for erosion control presented by the applicant to and approved by the City; or

3. Payment to the City in cash or by certified check in a sufficient amount to equal the cost of performing the necessary work. If the cost for restoration of a site to meet the minimum requirements of this section (with particular emphasis on stability, safety, drainage and erosion control) exceeds the amount of the cash or certified check, the permittee shall continue to be bound under a continuing obligation for payment of all excess costs and expenses incurred by the City.

E. The security shall remain in full force and effect until a certificate of completion has been issued by the Department of Neighborhood and Environmental Programs certifying that the work has been performed in accordance with the plans and specifications, or

certifying that the permit has been unused; provided, however, that the Director may increase or reduce security based on current estimates or site conditions. Upon issuance of this certificate, any unused portion of any cash or certified check shall be returned to the applicant, and the applicant and his/her surety shall be released from all further obligations under this section (provided default has not occurred). The certificate of completion shall be issued within sixty-days from the date the Department [of Neighborhood and Environmental Programs] receives written notice of completion, provided that during the sixty-day period, the Department inspects the work performed and is satisfied that the permittee has complied with the provisions of this section.

17.08.110 - Permit—Denial.

A. No permit authorizing grading shall be issued by the Director if it is found that the work proposed by the applicant is likely to endanger any property or public way, to pollute any water, or to damage wetlands or marine habitat. Factors to be considered by the Director include, but are not limited to, possible saturation by rains, earth movement, surface water runoff, soil erosion, sedimentation, siltation and subsurface conditions such as the stratification and faulting of rock, and the nature and type of soil and rock.

B. Failure of the Director or his or her designee to observe or recognize hazardous conditions or failure to deny the grading permit shall not relieve the owner or the owner's agent from responsibility for the conditions or damages resulting from the failures, and shall not result in the City or its officers or agents being responsible for the damages resulting from the failures.

C. No permits shall be issued to any applicant who has outstanding permit or code violations on other projects and activities within the City until those violations have been resolved satisfactorily as determined by the Director or his or her designee.

17.08.120 - Permit—Suspension or revocation.

[The Director or designee may suspend or revoke any grading permit for any violations of the approved sediment control plan, of the permit requirements, of the stop work order, or of this title, or any irregularities in grading, excavation or fill, or for unsafe or unworkmanlike operations or misrepresentation of facts, or for the purpose of inspection.] **THE DIRECTOR MAY SUSPEND OR REVOKE ANY GRADING OR BUILDING PERMITS AFTER PROVIDING WRITTEN NOTIFICATION TO THE PERMITTEE BASED ON ANY OF THE FOLLOWING REASONS:**

A. ANY VIOLATION(S) OF THE TERMS OR CONDITIONS OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN OR PERMITS;

B. NONCOMPLIANCE WITH VIOLATION NOTICE(S) OR STOP WORK ORDER(S);

C. CHANGES IN SITE CHARACTERISTICS UPON WHICH PLAN APPROVAL AND PERMIT ISSUANCE WERE BASED; OR

D. ANY VIOLATION(S) OF THIS CHAPTER OR ANY RULES AND REGULATIONS ADOPTED UNDER IT.

E. ANY VIOLATION(S) OF THE PROCEDURES SET FORTH IN THE STANDARDS AND SPECIFICATIONS.

17.08.130 - Plan modification.

[A. Major Modifications. Major modifications of the approved sediment and erosion control plans shall be submitted to the Director or designee and reprocessed as an initial application.]

[B. Minor Modifications.]

[1. The Anne Arundel Soil Conservation District shall develop a list of minor modifications of the approved erosion and sediment control plans that may be approved as field changes by the Director.]

[2. Field modifications of a minor nature may be authorized by the Director provided written authorization is given to the person performing the work.]

A. THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT MAY REVISE APPROVED PLANS AS NECESSARY. MODIFICATIONS MAY BE REQUESTED BY THE OWNER/DEVELOPER OR DEPARTMENT IN ACCORDANCE WITH THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT'S "MAJOR/MINOR CHANGE LIST FOR APPROVED SEDIMENT AND EROSION CONTROL PLANS." THE DIRECTOR MAY MAKE MINOR CHANGES TO APPROVED SEDIMENT AND EROSION CONTROL PLANS AS LISTED ON THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT RESOLUTION TITLED, "MAJOR/MINOR CHANGE LIST FOR APPROVED SEDIMENT AND EROSION CONTROL PLANS." MAJOR CHANGES MUST BE APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT.

17.08.140 - Expiration, renewal, deadline extension and nontransferability.

A. The applicant has thirty calendar days after the Department's verbal or written notification of permit approval to claim the approved grading permit **FOR ISSUANCE, OTHERWISE THE PERMIT WILL BE CONSIDERED VOID**.

B. A grading permit expires if no work is commenced within ninety days after issuance. A one-time renewal is permitted within a period of six months after the date of expiration if the conditions under which the permit was issued originally have remained unchanged, except that the construction phase time schedule must be revised. **AN APPLICATION FOR PERMIT RENEWAL SHALL BE MADE AT LEAST TWO MONTHS PRIOR TO THE PERMIT EXPIRATION DATE, AND MUST BE RENEWED BY THE DEPARTMENT AND ANNE ARUNDEL SOIL CONSERVATION DISTRICT.** A permit may not be renewed more than once.

C. A grading permit and the approved erosion and sediment control plan shall be valid for two years from the date of issuance, unless a shorter time period is designated by the Director or designee.

D. If the applicant is unable to complete the work within the time specified in the approved application, the applicant shall present a written request for extension to the Director or designee within thirty days before the expiration of the permit. The extension request shall set

forth the reasons for the extension. Where, in the sole discretion of the Director or designee, the extension is warranted, the Director may allow additional time as may be necessary to complete the approved work.

E. No permit issued under this title is transferable without the concurrence of the Director or designee. A written request for the transfer shall be submitted by the original applicant and the transferee shall acknowledge acceptance of the conditions under which the original permit was issued.

17.08.150 - Floodplain.

Grading within the nontidal one-hundred-year floodplain within open drainage ways shall not be permitted, except at the discretion of the Director and only after approval by the appropriate State and Federal agencies. Grading within the tidal one-hundred-year floodplain shall comply with all provisions of this chapter and Chapter 17.11, Floodplain Management.

17.08.160 - Erosion and sediment control—General requirements.

A. Effective control of soil to prevent erosion shall include the following:

1. Development shall be fitted to the topography and soils to create the least erosion potential.

2. Natural vegetation shall be retained wherever possible.

3. The smallest practical area of land shall be exposed at any one period during development for the shortest practical period of time in order to reduce the amount of land area and the duration of soil exposure.

4 Temporary vegetation or mulching shall be used to protect soils exposed during the time of development.

5. Erosion-control practices consistent with [sections B, F, and G of the 1994 Maryland] Standards and Specifications [for Soil Erosion and Sediment Control] shall be installed to minimize soil and water losses.

6. During and after development, provisions shall be made to accommodate in an effective manner the increased water runoff caused by changes in soil and surface conditions and to avoid siltation of receiving streams.

7. Satisfactory cover shall be maintained during the life of the project and is subject to inspection.

8. ROADS AND STREETS SHALL BE PLACED AS CLOSE TO THE PRE-EXISTING CONTOUR AS POSSIBLE IN ORDER TO MINIMIZE CUTTING OR FILLING.

9. ALL GRADED SURFACES, EROSION-CONTROL MEASURES, VEGETATIVE COVERS AND OTHER PROTECTIVE MEASURES DISTURBED OR DESTROYED DURING THE COURSE OF OPERATIONS SHALL BE REPAIRED, RESTORED AND MAINTAINED PROMPTLY IN ACCORDANCE WITH THE APPROVED PLANS AND

SPECIFICATIONS UNTIL PERMANENT MEASURES ARE ACCEPTED BY THE DEPARTMENT.

10. THE OWNER MUST PROVIDE CONTACT INFORMATION FOR A PERSON(S) WHOM IS RESPONSIBLE FOR THE MAINTENANCE OF THE SEDIMENT AND EROSION CONTROL MEASURES, WHOM IS AVAILABLE 24 HOURS A DAY AND 7 DAYS A WEEK, AND WHOM CAN RESPOND IMMEDIATELY TO RESOLVE ANY EMERGENCY OR NECESSARY FIELD CORRECTION. IF SAID PERSON(S) IS UNREACHABLE VIA THE SUBMITTED CONTACT INFORMATION DURING AN EMERGENCY, OR UNABLE TO PERFORM REQUIRED CORRECTIVE ACTIONS, THE OWNER AND/OR CONTRACTOR MAY BE ISSUED A CITATION.

B. The Department shall investigate complaints or accept complaints form any interested party and apply their enforcement procedure when violations are confirmed. Any erosion and sediment control complaint received shall be acted upon, routinely with three working days, and the complainant shall be notified of any action or proposed action routinely within seven working days after receipt of the complaint.

[17.08.170 - Steep slope areas.]

[A. Development within natural steep slope areas is permitted subject to the provisions of this section.]

[B. Development may occur within steep slope areas, provided that a minimum of thirty percent of the lot or parcel on which the principal structure is to be situated is less than fifteen percent grade and is contiguous to a Department-approved standard road so that direct access by vehicle to the principal structure may be achieved. The extent of cutting and filling permitted on a lot shall be based on the soil conditions at the site and as determined by the Department acting upon the recommendations of the Anne Arundel Soil Conservation District.]

[C. Roads and streets shall be placed as close to the contour as possible in order to minimize cutting or filling.]

17.08.180 – [Removal of debris.] **PROHIBITED DISCHARGES**

No debris**, SEDIMENT, WASTEWATER, LANDSCAPING/YARD WASTE, REFUSE,** or other [materials] **POLLUTANT** shall be deposited in floodplains, [watercourses] **WATER RESOURCES**, public streets, highways, sidewalks, **STORM DRAINS,** or other public thoroughfares **PER THIS CHAPTER OF THE CITY CODE, MARYLAND ENVIRONMENT TITLE 4 AS MAY BE AMENDED FROM TIME TO TIME, COMAR 26.08.04, UNLESS OTHERWISE PERMITTED BY THE CITY OF ANNAPOLIS OR THE MARYLAND DEPARTMENT OF THE ENVIRONMENT. SUCH MATERIALS SHALL BE STORED PROPERLY TO MINIMIZE ANY THREAT OF DISCHARGE.**

[17.08.190 - Maintenance of protective measures.]

[All graded surfaces, erosion-control measures, vegetative covers and other protective

measures disturbed or destroyed during the course of operations shall be repaired, restored and maintained promptly in accordance with the approved plans and specifications until permanent measures are accepted by the Department.]

17.08.200 - State and Federal standards for erosion and sediment control.

[Technical] **THE** standards and specifications [have been] established by the Maryland Department of the Environment and **ANY OTHER STANDARDS AND PROCEDURES ESTABLISHED** by **THE** [USDA] **ANNE ARUNDEL** Soil Conservation **DISTRICT** [Service for procedures such as vegetative erosion-control measures, structural sediment-control measures, fills and classification, compaction, maximum slopes for cut and fill, drainage for surface water runoff and other topics as may be deemed necessary or appropriate. The established technical standards] supplement this chapter and establish minimum standards [both] for [cutting and filling operations and for] the control of soil erosion and sediment. Failure to comply with these standards **IS CONSIDERED A VIOLATION OF THIS CHAPTER AND** may lead to revocation of a grading permit in accordance with Section 17.08.110 **OF THE CITY CODE**.

17.08.210 - Drainage.

A. Surface water runoff shall be disposed of or conveyed in accordance with the provisions of this section.

B. Drainage facilities shall be designed to prevent erosion, uncontrolled overflow, and ponding when ponding is not an integral part of the design and function of the drainage facility. The water shall be conveyed to an acceptable outlet in accordance with the design criteria, standards and procedures required by the Department. The ponding of water is not permitted above a cut or fill slope. Adequate drainage facilities shall be provided to prevent ponding above a cut or fill slope.

C. Surface water or groundwater may not damage the face of a cut or fill. Each slope shall be protected from surface water runoff by a berm or swale. Suitable underdrains shall be installed to intercept and carry ground water seepage to an acceptable outlet.

D. Each area shall be graded to provide for positive drainage away from the building and toward the approved disposal area.

E. The construction of all structures shall be preceded by the installation of storm drainage systems and stabilization measures.

F. Stormwater management designs shall comply with Chapter 17.10, Stormwater Management, and Chapter 17.11, Floodplain Management.

17.08.220 - Inspections.

[A. Prior to initiating any work subject to this chapter, the permittee shall submit for approval, upon the request of the Department, a proposed inspection and construction control schedule. A preconstruction conference may be conducted, upon request of the Department, on the job site to review the procedures and control measures to be utilized. Participants shall include the permittee or the permittee's authorized agent, the design engineer and, the Department.]

[B]**A**. The permittee shall be responsible for maintaining a copy of the approved erosion and sediment control plans, and other approved site plans on site.

[C]**B**. The Director or designee may make additional inspections as he or she determines to be appropriate. No work approved in accordance with this chapter shall proceed beyond any one stage until the Director inspects the site and approves the work previously completed. Upon notification from the permittee the inspector shall inspect the site and notify the permittee of approval or rejection within forty-eight hours (exclusive of Saturdays, Sundays and legal holidays). If the inspector does not make an inspection within the specified time period, work may proceed. However, it will be without presumption of approval and at the sole risk of the permittee.

[D]**C**. Every active site having an approved erosion and sediment control plan should be inspected for compliance with the plan on the average of once every two weeks.

[E. Inspectors shall prepare written reports after every inspection. The inspection report shall describe:]

[1. The date and location of the site inspection;]

[2. Whether or not the approved plan has been implemented and maintained in a proper manner;]

[3. Any practice deficiencies or erosion and sediment control plan deficiencies;]

[4. The type of enforcement action taken to alleviate any existing violations.]

D. A WRITTEN REPORT SHALL BE PREPARED BY THE DEPARTMENT AFTER EVERY INSPECTION. THE REPORT SHALL DESCRIBE:

1. THE DATE AND LOCATION OF THE SITE INSPECTION;

2. WHETHER THE APPROVED PLAN HAS BEEN PROPERLY IMPLEMENTED AND MAINTAINED;

3. PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT CONTROL PLAN DEFICIENCIES;

4. IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT ACTION TAKEN; AND

5. IF APPLICABLE, A DESCRIPTION OF ANY MODIFICATIONS TO THE PLAN.

[F]**E**. The Director shall notify the on-site personnel, and the owner/developer in writing, when violations are observed, describing:

1. The nature of the violation;

2. The required corrective action; and

3. The time period in which to have the violation corrected.

[G]**F**. Department inspection notification is the responsibility of the permittee prior to the installation of any public improvements or stormwater management facilities.

[H]**G**. It is a condition of each grading permit that the City, its authorized agents have the

right of entry to the site in order to inspect periodically for compliance with **THE APPROVED PLAN AND** this title [and to undertake work in accordance with Sections 17.08.092 and 17.08.100].

[I]**H**. In the event of a valid complaint concerning erosion and sediment control, an investigative inspection shall be made by the Department within three days of the complaint. A response to the complaint shall be made within seven days of the complaint.

17.08.230 - Supplemental testing and inspections.

A. When required by the Director or his or her designee, inspections and testing shall be performed under the direction of a professional engineer who shall certify all inspection reports and test results. The reports shall include certification by an engineer of the adequacy of:

1. Cleared areas and benched or keyed surfaces prepared to receive fills; and

2. Removal of unsuitable materials; and

3. Construction of erosion-control or drainage devices, buttress fills, underdrains, retaining walls, and other grading appurtenances; and

4. The degree of compaction where tests are performed.

B. All certified inspection reports and certified test results shall be submitted periodically to the Director during the performance of the work.

17.08.240 - Existing hazards.

Whenever the Director or his or her designee determines that any existing grade, excavation, embankment or fill endangers or adversely affects the safety, use or stability of any public or private property, or [watercourse] **WATER RESOURCE**, the owner of the property upon which the condition exists, or other person or agent in control of the property, upon receipt of notice in writing from the Director or his or her designee, within the period specified in the notice, shall repair or eliminate the conditions in order to eradicate the hazard.

17.08.250 - Appeals.

A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Neighborhood and Environmental Programs at the time of the order from which the appeal is taking. If the board finds that the order was in error or contrary to

the provisions of this code or other applicable law, the board may reverse or modify the order. The decision of the board on all appeals shall be in writing and shall contain the factual findings of the board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the board unless the person has appeared as a party at the hearing before the board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

17.08.260 - Enforcement and noncompliance.

A. Whenever a violation of this title is found on any site, whether or not a permit has been issued, the Department, or its authorized agent, shall notify the on-site personnel and the permittee of the violation, and describe the required corrective action and the time period in which to have the violation corrected.

B. If the violation persists after the date specified by the Department for corrective action, then the Department shall issue a stop work order to on-site personnel and place a stop work order on the property.

C. Within seven calendar days after the stop work order is issued or placed on site as described in this section, a copy of the order shall be sent by certified mail to the permittee and the owner. The Department shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct a violation.

D. If, in the judgment of the Department, remedial action has not taken place within the required time specified in the certified notification described in this section, the permittee and the owner shall be guilty of a municipal infraction and shall be subject to a fine **AS SET BY RESOLUTION OF THE CITY COUNCIL** [of five hundred dollars for any single, initial violation and a fine of five hundred dollars for each repeat or continuing violation]. Each day after the deadline stated in the certified notification shall constitute a separate offense.

E. The City shall pursue violations that affect secured work as follows:

1. Whenever secured work does not comply with or conform to a permit or approved plans and specifications and if the City desires to obtain the security posted, a written notice of noncompliance shall be sent by certified mail to the permittee and the surety.

2. The notice shall set forth the nature of the corrections required and the time within which the corrections shall be made. If the permittee does not act on the notice within the time set forth, a stop-work notice shall be posted on the site and except as permitted by the Director, no further work is permitted on the site.

3. If the corrections are not commenced and pursued in a diligent manner within the time specified in the notice, the permittee is considered to be in default of the obligations imposed by this title, and the City may take immediate action to obtain the security posted.

F. The Department may seek an injunction against any person who violates or threatens to

violate any provision of this chapter.

G. In addition to any other sanction under this chapter, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved erosion and sediment control plan is, under Section 4-116 of the Environment Article, Annotated Code of Maryland, guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding ten thousand dollars or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court. Further, the City may bring a civil action against a person for a violation of this chapter**, IN AN AMOUNT EQUAL TO DOUBLE THE COST OF INSTALLING OR MAINTAINING THE CONTROLS OR OF ANY RESTORATION OF DAMAGE CAUSED TO THE ENVIRONMENT**.

H. Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:

1. [The proper installation of erosion and sedimentation control measures;] **CORRECTING, TO THE EXTENT POSSIBLE, THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION AND SEDIMENT CONTROLS, AND**

2. Administration of the sediment control program.

I. Failure to obtain a permit as required in this chapter shall result in a stop work order until the appropriate permits have been approved. All work, except for the installation of erosion and sediment control measures necessary to contain and stabilize the site, shall cease in compliance with the stop work order.

J. It shall be the responsibility of the owner, contractor or authorized agent to maintain erosion and sediment controls at all times during demolition, grading, construction and vacant land after hours, weekends and holidays.

K. Any step in the enforcement process can be taken at anytime, depending on the severity of the violation.

L. A person who fails to comply with any or all of the requirements or provisions of this chapter or any order or requirement of the Director or any other authorized employee of the City is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council for each repeat or continuing violation. Each day after the expiration of the allowed remedial work period shall constitute a separate offense. In addition, no other inspections shall be made by the Department for the project in question until remedial action has been satisfactorily completed and the subject fine has been paid in full.

17.08.270 - Emergencies.

A. Whenever, in the judgment of the Director or his or her designee, an emergency exists which requires immediate action to protect the public health, safety, property or general welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take that action appropriate or necessary to correct or abate the emergency. If circumstances warrant, the Director or his or her designee may act to correct or abate the emergency.

B. The owner, occupant, operator or agent shall be granted a conference on the matter upon his or her request as soon as practicable, but the conference shall not stay the abatement or correction of the emergency.

17.08.280 - Records and as-built drawings.

Upon completion of work for which a grading permit was issued, the Department shall require the following:

A. As-built drawings;

B. Certification by the owner or the permittee, or, upon request by the Director, by a registered professional, on the as-built drawings that grading, drainage structures, utilities, roadways, systems and erosion and sediment control practices, including facilities and vegetative measures, have been completed in conformance with the approved plans and specifications; and

C. Upon request of the Director or his or her designee, a report summarizing the inspection reports, field and laboratory tests, and locations of test and field observations.

D. Surety will not be released until the as-built drawings have been reviewed and approved by the City.

17.08.290 - Severability.

If any portion, section, subsection, sentence, clause or phrase of this title is held invalid or unconstitutional for any reason by any court of competent jurisdiction, that portion shall be considered to be a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portion of this title, it being the intent of the City that this title shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause or phrase.

17.08.295 - Grading, erosion, sediment control.

Unless noted otherwise, any person who violates any section of this chapter shall be guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. All fines must be paid in full prior to any continuation of work or prior to any further inspections. If a person or entity is found to have violated this section at one or more discrete sites within the City two or more times in any two-year period, such violation shall constitute a repeat violation.

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

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

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Staff Report

Ordinance O-27-13

Sediment and Erosion Control

A statewide sediment control program was mandated in 1970 when the General Assembly passed the Sediment Control Law. Maryland's incentive for having an erosion and sediment control program is to prevent sediment from entering our waterways. Sediment negatively impacts our waterways because it contributes oxygen-depleting nutrients and kills oxygen-producing vegetation by blocking sunlight.

The Maryland Department of the Environment (MDE) has been mandated by the General Assembly to administer this Law. MDE's obligation in meeting this mandate includes adopting regulations that establish criteria and procedures for erosion and sediment control throughout Maryland. Each county and municipality, in turn, is required to adopt an erosion and sediment control ordinance that meets the intent of Maryland's sediment control laws and the regulations.

The proposed changes in this ordinance would bring the City of Annapolis' sediment control Code in line with the Environment Article, Title 4, Subtitle 1 of the Annotated Code of Maryland. The Department of Neighborhood and Environmental Programs has worked with the Maryland Department of the Environment in reviewing and approving the proposed changes in this ordinance.

The revisions include more stringent stabilization requirements and establishing grading unit criteria. Additionally, the Standards and Specifications now describe how an erosion and sediment control plan must be designed in concert with a site's stormwater management plan as required by the Stormwater Management Act of 2007 (Act). The Act requires an integrated review of erosion and sediment control plans and stormwater management plans via a comprehensive plan review process to ensure that environmental site design is implemented to the maximum extent practicable on all sites. The comprehensive review process is a three stage review process that includes concept, site design, and grading permit reviews.

The proposed ordinance would:

- Bring the City into compliance with the updated state law.
- Require more stringent stabilization measures.
- Establish grading unit criteria, where only 20 acres (one grading unit) can be disturbed at a time.
- Closely link the stormwater management Code with the sediment and erosion control Code.
- Implement a three-stage comprehensive plan review process that includes concept review, site design review, and grading permit review.
- Prohibit illicit discharges of pollutants (such as sediment) into our storm drains and creeks.

Prepared by Rob Savidge, Environmental Compliance Inspector, Department of Neighborhood and Environmental Programs; 410-263-9158.

FISCAL IMPACT NOTE

Legislation No: O-27-13 **First Reader Date:** 7-22-13
Note Date: 8-30-13

Legislation Title: Sediment and Erosion Control

Description: For the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.

Analysis of Fiscal Impact: Currently funding comes from the Stormwater Fund. This legislation produces no significant fiscal impact.

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-32-13

Sponsor: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/3
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Finance	7/22/13		

A ORDINANCE concerning

Plumbing Permit Fees – Capital Facilities

FOR the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 17.28.090

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 17.28 – PLUMBING CODE

17.28.090 - Permit—Fees—Schedule.

The charges for issuance of permits are the sum of a connection charge, a capital facility charge, a capital facility assessment charge and an installation charge. The charges shall be recommended to the City Council by the Director of Public Works and collected by the Director of Neighborhood and Environmental Programs. The schedule of fees shall be established by resolution of the City Council.

A. Connection Charges. Connection charges for a one inch or less water service and four-inch sewer service shall be based on the City's cost of constructing the water and sewer service lines between the property line and main pipeline, including the cost of the water meter. There will be no connection charges for water services constructed by

the applicant (all services greater than one inch and, when approved by the Director of Public Works, one inch or less) and for sewer services constructed by the applicant (all service greater than four inches and, when approved by the Director of Public Works, four inches), but all costs associated with the construction of the connection between the property line and main pipeline, including the cost of the water meter, shall be the responsibility of the applicant.

B. Capital Facility Charges. Capital facility charges shall be based on equivalent dwelling units (EDU). An EDU is two hundred fifty gallons per day. No less than one EDU shall be charged.

1. An individual residential dwelling unit is one EDU.

2. All other uses will be charged based on the number of EDUs. Determination of the number of EDUs is as follows:

(a) By Director of [Public Works] NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS. Whenever a charge is set based on EDUs, the property owner shall provide all information required by the Director of [Public Works] NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS [(Director)] and the Director shall reasonably determine, based on that information and any other information that the Director deems appropriate, the number of EDUs for a property based on peak daily usage. If the Director OF PUBLIC WORKS determines within a three-year period after the initial determination that the property owner provided materially inaccurate information, the Director shall re-determine the number of EDUs and the property owner shall be liable for the difference in any charge that is set based on EDUs.

(b) By agreement.

(1) In this section, "peaked average daily usage" means a number of gallons of water that is the product of the average daily water usage by a property owner during the highest actual usage billing cycle within a defined period times the peaking factor of 1.4.

(2) If the Director OF PUBLIC WORKS finds that new technology or other unique circumstances may significantly affect the determined peak daily usage, the Director may enter into an agreement with the property owner to recalculate the number of EDUs based on peaked average daily usage over a period of time determined by the Director. The agreement shall provide for refund of charges by the City if peaked average daily usage is less than eighty percent of determined peak daily usage and for payment of additional charges by the property owner if peaked average daily usage is more than one hundred twenty percent of determined peak daily usage based on the recalculation. The agreement shall include terms and conditions as determined by the Director to protect the City's interest in receiving payment of all additional charges and to bind as necessary the property owner and any successor in interest. If there is a change in use of the property during the time when the recalculation is being made, the agreement shall be null and void.

3. Industrial wastes of unusual strength or character may be assessed additional EDUs as determined by the Director of Neighborhood and Environmental Programs or his or her designee may require pretreatment to remove heavy

metals or other deleterious materials prior to discharge of the waste to the City sewer system.

4. Combined commercial, industrial and institutional facilities' EDUs shall be determined by summing the EDUs for the individual functional areas.

5. A person who purchases a home in the urban renewal project area and who previously resided in the home either as an owner or renter continuously for six months immediately prior to the acquisition of the home by the urban renewal authority, is exempt from the payment of the capital facilities charge.

6. Capital facilities and capital facilities assessment charges shall be used exclusively to pay for either or both the capital improvements and retirement of bonds on the sewer systems and water systems or facilities and not to supplement user rates.

7. When the use and occupancy of a structure is changed, the Director of Neighborhood and Environmental Programs or his or her designee shall determine if the water consumption or sewage discharge has changed materially from the previous use. Any significant increase in usage or discharge may require assessment of capital facilities charges as outlined in this subsection.

C. Capital Facility Assessment Charge. A capital facility assessment charge will continue to be applied after December 19, 2011 for accounts with remaining capital facility assessment charge balances. For active permits prior to December 19, 2011, the current structure for capital facility assessment charges will continue to be in effect.

D. Installation Charges.

1. Reinspection Fee. A fee as established by resolution of the City Council must be paid before another inspection is made, if, for the original inspection, one or more of the following occurred:

a. Requesting party called for inspection, but work was not ready;

b. Requesting party was not on site;

c. Building was locked;

d. Safety features not on site;

e. Approved drawings not on site;

f. Permit card not posted and visible from fronting street.

E. State Road Opening or Tunneling. For any connection in which a state road must be opened or tunneled, the charges set out in this section for public sewer and water supply connections shall be increased by the additional cost of the work as estimated and approved by the Director of Neighborhood and Environmental Programs or his or her designee.

F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the City and who also are registered master gasfitters in the City shall be charged as established by resolution of the City Council for the additional gas connection for gas hot water heaters; otherwise, the gas connection for gas hot water heaters must be made by a registered master gasfitter at the regular rates.

G. Sizes Not Shown. Charges for any sizes not shown in this section shall be determined by the Director of Neighborhood and Environmental Programs or his or her designee.

H. The City Council may designate by resolution certain areas in the City of Annapolis to be revitalization areas. In adopting such a resolution, the City Council shall take into consideration the following factors as they apply to the area:

1. The availability, cost, and condition of business facilities;
2. The age and number of substandard structures;
3. The income of residents relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;
4. The extent of unemployment and the availability in the area of jobs for residents of the area;
5. The need for small businesses to locate in the area in order to upgrade the social and economic conditions of the designated neighborhood; and
6. Support from community and business organizations.

I. When a property lies in a designated revitalization area, the capital facility charge shall, at the request of the owner, be payable as follows: forty percent prior to the issuance of any permit; twenty percent prior to the first anniversary of the earliest permit issuance; twenty percent prior to the second anniversary of the earliest permit issuance; final twenty percent prior to the third anniversary of the earliest permit issuance.

J. APPLICANTS SUBJECT TO PERMIT FEES IN SECTION 17.28.090 OF THE CITY CODE SHALL BE ELIGIBLE TO PAY THE PLUMBING PERMIT FEES (A CONNECTION CHARGE, A CAPITAL FACILITY CHARGE, A CAPITAL FACILITY ASSESSMENT CHARGE, AND AN INSTALLATION CHARGE), IN EFFECT AT THE TIME OF A SPECIAL EXCEPTION OR OTHER DEVELOPMENT REVIEW APPLICATION, RATHER THAN THE FEES THAT MAY BE IN EFFECT AT THE TIME THE PERMIT IS ISSUED. THIS PROVISION SHALL RETROACTIVELY APPLY TO ALL APPLICANTS FOR A SPECIAL EXCEPTION OR OTHER DEVELOPMENT REVIEW APPLICATIONS SUBMITTED ON OR BEFORE JULY 1, 2011.

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

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

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

Policy Report

Ordinance O-32-13

Plumbing Permit Fees – Capital Facilities

The proposed ordinance would authorize applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued. The proposed ordinance would make such provisions retroactive to July 1, 2011.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.7954 or JCCowles@annapolis.gov.

FISCAL IMPACT NOTE

Legislation No: O-32-13 **First Reader Date:** 7-22-13
Note Date: 8-30-13

Legislation Title: Plumbing Permit Fees – Capital Facilities

Description: For the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

Analysis of Fiscal Impact: This legislation produces significant financial impact, which will be determined with the authorization of a special exception or other developmental proposal. Depending on the extent of the special exception, it may negatively impact the City's net cash flows and Enterprise Funds. The charges for issuance of permits are the sum of a connection charge, a capital facility charge, a capital facility assessment charge and an installation charge. The charges shall be recommended to the City Council by the Director of Public Works and collected by the Director of Neighborhood and Environmental Programs. The schedule of fees shall be established by resolution of the City Council.

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-34-13

Sponsor: Alderman Budge

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
Economic Matters	9/9/13		
Historic Preservation Commission	9/9/13		

A ORDINANCE concerning

Historic Preservation Tax Credit

FOR the purpose of revising the provisions governing the historic preservation tax credit in the City Code of the City of Annapolis.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 6.04.230

WHEREAS the City of Annapolis provides to owners of contributing historic properties within the Annapolis Historic Landmark District a financial incentive that assists with the rehabilitation costs for exterior improvements to historic buildings in the District; and

WHEREAS originally enacted in 2004, the Historic Preservation Tax Credit Program benefits property owners and the community generally by reducing a property owner's real property tax bill through a direct, dollar-for-dollar offset of City of Annapolis real property taxes, thereby encouraging protection of landmarks through the promotion and recognition of historic structures, and increasing the value of preserved, restored, and rehabilitated property; and

WHEREAS the Historic Preservation Tax Credit tax credit is limited to 10% of documented qualifying expenses for labor and materials related to a preservation, restoration, and rehabilitation project for which there is a Certificate of Approval issued by the Historic Preservation Commission; and

WHEREAS the State of Maryland has recently granted municipalities the authority to increase the tax credit to 25%; and

WHEREAS the Historic Preservation Division within the Planning and Zoning Department, working with the City's leadership, is proposing a limited adoption of the 25% credit in order to remain within the $150,000 cap established for the program by the City Council in 2004.

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 6.04 – FINANCE AND TAXATION GENERALLY

6.04.230 - Historic Preservation Tax Credit.

[A. Purpose. Subject to the provisions of this section there shall be allowed a tax credit on City real property taxes based upon the amount expended by a property owner for preservation, restoration and rehabilitation of any structure having historic or architectural value which is designated a City of Annapolis Landmark by resolution of the City Council based upon designation by the Annapolis Historic Preservation Commission. The total amounts of tax credits applied by the Director of Finance may not exceed one hundred fifty thousand dollars in any one fiscal year.**]**

[B. Eligibility. The tax credit shall be limited to those expenses having to do with exterior features of a structure only and not to expenses relating to the interior of a structure, which are not subject to the jurisdiction of the Annapolis Historic Preservation Commission. The tax credit shall be in an amount equal to ten percent of the owners expense for such restoration and preservation, as indicated by properly documented receipts. The total estimate for eligible expenses must exceed five thousand dollars per application. If property owner initiates an action that results in the loss of Landmark status within five years, then the owner must refund the entire amount of the tax credit to the City. If the loss of the Landmark status is not due to owner's actions, then no refund is required.**]**

[C. Project Approval. Once a structure has been designated a City of Annapolis Landmark, the property owner may submit an application for the Historic Preservation Tax Credit to the Historic Preservation Commission along with any other information requested by the Commission. The Historic Preservation Commission shall approve the application if is meets the criteria as set forth in this section, the Historic Preservation Commission Design Manual, and The Secretary of the Interior's Standards for Preservation, Restoration and Rehabilitation. Upon approval by the Historic Preservation Commission, the property owner must submit a tax credit application to the Chief of Historic Preservation. At the same time, the property owner must also submit any other necessary building and other permit requests to the Director of Neighborhood and Environmental Programs. All work must commence within one year of application approval by the Historical Preservation Commission.**]**

[D. Application of Credit. Within two years of approval by the Historic Preservation Commission, the property owner must submit appropriate receipts to the Chief of Historic Preservation. Upon notification by the Chief of Historic Preservation and the Director of Neighborhood and Environmental Programs that applicable laws have been met in the preservation, restoration and/or rehabilitation of the approved structure, the Director of Finance may apply the approved tax credit to the property owner's next tax bill. If the tax credit exceeds the property tax bill, the balance may be carried forward up to a total of five years.**]**

A. PURPOSE. SUBJECT TO THE PROVISIONS OF THIS SECTION, THE DIRECTOR OF FINANCE MAY ALLOW A TAX CREDIT ON CITY REAL PROPERTY TAXES BASED UPON THE AMOUNT EXPENDED BY A PROPERTY OWNER FOR PRESERVATION, RESTORATION AND/OR REHABILITATION OF ANY PROPERTY HAVING HISTORIC OR ARCHITECTURAL VALUE AND WHICH THE CITY COUNCIL DESIGNATES A LANDMARK PURSUANT TO CHAPTER 21.56 OF THE CITY OF ANNAPOLIS HISTORIC DISTRICT ZONING ORDINANCE. THE CHIEF OF HISTORIC PRESERVATION AND DIRECTOR OF FINANCE SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THIS SECTION OF THE CITY CODE.

B. QUALIFIED EXPENSES. THE TAX CREDIT SHALL BE APPLIED TO THOSE EXPENSES HAVING TO DO WITH EXTERIOR FEATURES OF A STRUCTURE AND ALL THOSE INTERIOR IMPROVEMENTS REQUIRED FOR LIFE/SAFETY OR HAZARD MITIGATION AS DETERMINED TO BE QUALIFIED BY THE CHIEF OF HISTORIC PRESERVATION IN CONSULTATION WITH THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS.

C. TAX CREDIT DEFINED. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO:

1. TEN PERCENT OF THE PROPERTY OWNER’S EXPENSES FOR QUALIFIED PRESERVATION, RESTORATION AND/OR REHABILITATION ON RESIDENTIAL PROPERTIES;
2. TWENTY FIVE PERCENT ON INCOME-PRODUCING PROPERTIES AND RESIDENTIAL PROPERTIES WITH QUALIFIED INTERIOR IMPROVEMENTS REQUIRED FOR LIFE/SAFETY OR HAZARD MITIGATION;
3. TWENTY FIVE PERCENT TAX CREDIT FOR QUALIFIED EXTERIOR RESTORATION WORK WHEN THERE IS REPLACEMENT OF A NON-HISTORIC FEATURE OR MATERIAL WITH A HISTORICALLY-APPROPRIATE FEATURE OR MATERIAL.

D. DOCUMENTATION. ALL EXPENSES SOUGHT TO BE QUALIFIED SHALL BE PROPERLY DOCUMENTED AND ATTESTED TO IN AN AFFIDAVIT ON THE REQUIRED FORM. THE TOTAL ESTIMATE OF ELIGIBLE EXPENSES MUST EXCEED FIVE THOUSAND DOLLARS PER APPLICATION FOR TAX CREDIT CONSIDERATION.

1. A PROPERTY OWNER SEEKING TO QUALIFY EXPENSES FOR PROPERTY TAX CREDIT PURPOSES MUST EITHER HAVE ALREADY OBTAINED A CERTIFICATE OF APPROVAL FROM THE HISTORIC PRESERVATION COMMISSION OR CONCURRENTLY SUBMIT AN APPLICATION FOR A CERTIFICATE OF APPROVAL WITH THE TAX CREDIT APPLICATION.

E. REFUND. IF A PROPERTY OWNER INITIATES AN ACTION THAT RESULTS IN THE LOSS OF LANDMARK STATUS, AS DETERMINED BY THE CHIEF OF HISTORIC PRESERVATION, WITHIN FIVE YEARS AFTER RECEIVING A TAX CREDIT APPROVAL, THEN THE PROPERTY OWNER SHALL REFUND THE ENTIRE AMOUNT OF THE TAX CREDIT TO THE CITY. IF THE LOSS OF THE LANDMARK STATUS IS NOT DUE TO A PROPERTY OWNER'S ACTIONS, THEN NO REFUND IS REQUIRED.

F. PROJECT APPROVAL. ONCE A PROPERTY HAS BEEN DESIGNATED A LANDMARK PURSUANT TO CHAPTER 21.56 OF THE ANNAPOLIS CITY CODE, THE PROPERTY OWNER MAY SUBMIT AN APPLICATION FOR THE HISTORIC PRESERVATION TAX CREDIT TO THE CHIEF OF HISTORIC PRESERVATION WITH THE DOCUMENTATION AND INFORMATION REQUIRED BY THE CHIEF OF HISTORIC PRESERVATION.

1. THE HISTORIC PRESERVATION COMMISSION MAY AUTHORIZE THE CHIEF OF HISTORIC PRESERVATION TO CERTIFY THE HISTORIC TAX CREDIT APPLICATION IF IT MEETS THE CRITERIA SET FORTH IN THIS SECTION OF THE CITY CODE, THE HISTORIC PRESERVATION COMMISSION DESIGN MANUAL, AND THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION. THE ISSUANCE OF A HISTORIC PRESERVATION COMMISSION CERTIFICATE OF APPROVAL FOR THE QUALIFIED PRESERVATION, RESTORATION OR REHABILITATION IS REQUIRED PRIOR TO SUBMISSION OF THE HISTORIC TAX CREDIT APPLICATION. THE PROPERTY OWNER SHALL ALSO CONCURRENTLY SUBMIT ANY OTHER NECESSARY BUILDING AND OTHER PERMIT APPLICATIONS TO THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS FOR ADJUDICATION OF THE APPLICATION.
2. ALL CERTIFIED HISTORIC TAX CREDIT WORK SHALL COMMENCE WITHIN SIX MONTHS AFTER THE DATE OF ISSUANCE OF THE ASSOCIATED CERTIFICATE OF APPROVAL.

G. APPLICATION OF CREDIT. WITHIN TWO YEARS OF CERTIFICATION OF THE HISTORIC TAX CREDIT APPLICATION, THE PROPERTY OWNER SHALL SUBMIT DOCUMENTATION, INCLUDING PHOTOGRAPHS OF THE COMPLETED WORK AND AN AFFIDAVIT, TO THE CHIEF OF HISTORIC PRESERVATION FOR FINAL CERTIFICATION OF THE HISTORIC TAX CREDIT EXPENSES. UPON DETERMINATION BY THE CHIEF OF HISTORIC PRESERVATION THAT ALL APPLICABLE LAWS HAVE BEEN MET IN THE PRESERVATION, RESTORATION AND/OR REHABILITATION OF THE APPROVED PROPERTY, AND CERTIFICATION OF QUALIFIED EXPENSES, THE DIRECTOR OF FINANCE MAY AUTHORIZE THE APPROVED TAX CREDIT TO BE APPLIED AS A CREDIT TO THE PROPERTY OWNER'S NEXT REAL PROPERTY TAX BILL.

1. IF THE TAX CREDIT EXCEEDS THE AMOUNT OF THE REAL PROPERTY TAX BILL, THE BALANCE MAY BE CARRIED FORWARD FOR UP TO FIVE YEARS.
2. THE TOTAL AMOUNT OF ALL HISTORIC TAX CREDITS THAT THE DIRECTOR OF FINANCE MAY APPROVE SHALL NOT EXCEED $150,000 DOLLARS IN ANY ONE FISCAL YEAR.

H. EXTENSIONS. ANY EXTENSIONS OF DEADLINES IMPOSED BY THIS SECTION OF THE CITY CODE SHALL BE SUBMITTED FOR REVIEW AND ADJUDICATION BY THE CHIEF OF HISTORIC PRESERVATION AS AUTHORIZED BY THE HISTORIC PRESERVATION COMMISSION. EXTENSIONS MAY BE ALLOWED FOR GOOD CAUSE.

I. APPEALS. ANY PERSON AGGRIEVED OF A FINAL DECISION PURSUANT TO THIS SECTION OF THE CITY CODE MAY APPEAL TO THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage and applies to all pending historic preservation tax credit applications as of the date of passage.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

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

EXPLANATION

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

Staff Report

Ordinance O-34-13

Historic Preservation Tax Credit

The proposed ordinance would revise the provisions of the City Code related to the historic preservation tax credit. Originally enacted in 2004, the Historic Preservation Tax Credit Program reduces a property owner's real property tax bill through a direct, dollar-for-dollar offset of City of Annapolis real property taxes, thereby encouraging protection of landmarks through the promotion and recognition of historic structures. The City of Annapolis, through the historic preservation tax credit, provides to owners of contributing historic properties within the Annapolis Historic Landmark District a financial incentive that assists with the rehabilitation costs for exterior improvements to historic buildings in the District.

The Historic Preservation Tax Credit tax credit is limited to 10% of documented qualifying expenses for labor and materials related to a preservation, restoration, and rehabilitation project for which there is a Certificate of Approval issued by the Historic Preservation Commission. The State of Maryland has recently granted municipalities the authority to increase the tax credit to 25%. The proposed ordinance provides a limited adoption of the 25% credit in order to remain within the $150,000 cap established for the program by the City Council in 2004.

Prepared by Lisa Craig, Chief of Historic Preservation at 410-263-7941 and LMCraig@annapolis.gov and Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or JCCowles@annapolis.gov.

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-35-13

Introduced By: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

AN ORDINANCE concerning

Issuance of Bonds and Bond Anticipation Notes

FOR the purpose of authorizing and empowering the City of Annapolis (the "City") to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the "Charter"), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

RECITALS

For convenience of reference, the City of Annapolis, a municipal body corporate and politic of the State of Maryland, is hereinafter sometimes referred to as the "City" or as "Annapolis."

The authority for the powers herein exercised is contained in Article VII, Section 11 of the Charter of the City (the "Charter") and in Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as

amended, such authority being hereinafter sometimes referred to collectively as the "Enabling Act."

The Enabling Act authorizes and empowers the City to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds and notes in accordance with the procedure prescribed by the Enabling Act, subject to the limitation imposed by the Charter, that no bonds shall be issued by the City if, by the issuance thereof, the total bonded indebtedness of the City incurred, less the amount of sinking funds established for the retirement thereof, would then exceed ten per centum (10%) of the assessed value of all real and personal property in the City taxable for municipal purposes.

The Charter further provides that, in computing compliance with such limitation, outstanding bonds or other indebtedness of the City issued pursuant to the authority of any public local law enacted by the General Assembly of Maryland prior to January 1, 1955, or pursuant to the authority of any public general law of the State of Maryland, other than the Enabling Act, together with tax anticipation notes issued pursuant to the Enabling Act, revenue bonds payable as to principal and interest solely from the revenues from revenue-producing projects, and short-term obligations issued pursuant to certain sections of the Charter, shall not be taken into account.

Pursuant to the Charter, the City Council of the City (the "City Council") may in its discretion hold a referendum on any such bond issue or may be required to do so as a result of a proper petition of registered voters filed for such purpose after the giving of notice to the City as prescribed in the Charter.

The Charter contains no limitations upon the rate at which *ad valorem* taxes may be levied by the City for the payment of the principal of and interest on such bonds and notes.

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

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED BY THE CITY COUNCIL, that:

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

SECTION 2. It is in the best interest of the City to borrow money and incur indebtedness and the City is authorized and empowered to issue and sell, upon its full faith and credit, its general obligation, fully registered bonds in the aggregate principal amount not to exceed

$11,500,000 to be known as "Public Improvements Bonds, 2013 Series" (the "Bonds") or such other designation as deemed appropriate by the Mayor of Annapolis (the "Mayor") and City Manager of Annapolis (the "City Manager") for the purposes of financing and refinancing the costs of the public projects listed below (the "Projects"), including the costs of issuing the Bonds.

PROJECT	FISCAL YEAR	BOND FUNDING
Truxton Swimming Pool	2014	$150,000
General Sidewalks	2014	$250,000
City Dock Infrastructure	2014	$5,150,445
City Dock Infrastructure	2014 Federal Boating Infrastructure Grant	$1,500,000
Kingsport Park	2014	$10,931
Wayfinding Signage	2014	$114,500
Hillman Garage Replacement	2014	$765,190
Capital Program Land Acquisition	2013	$2,500,000
City Dock Infrastructure	2013	$275,000
Wayfinding Signage	2013	$40,000
Total		**$10,756,066**

The costs of the Projects shall include (without limitation) the costs of the planning, construction, reconstruction, demolition, improvement, refurbishing, renovation, restoration, extension, alteration, installation, repair, acquisition, conversion and modernization of structures; the acquisition of structures and sites for structures; the acquisition of rights of way for roads; architectural and engineering services, including preparation of plans, drawings and specifications; and all customary and necessary furnishings and fixed permanent equipment for structures.

Any Bonds issued pursuant to this Ordinance may be issued as one or more series of Bonds, as deemed appropriate by the Mayor and the City Manager.

SECTION 3. The City hereby covenants that any Bonds issued hereunder shall comply with all limitations of the Charter and that no Bonds shall be issued by the City if, by the issuance thereof, the total bonded indebtedness of the City incurred, less the amount of sinking

funds established for the retirement thereof, would then exceed ten per centum (10%) of the assessed value of all real and personal property in the City taxable for municipal purposes.

SECTION 4. The Bonds authorized by this Ordinance shall be dated the date of their delivery, shall be fully registered bonds without coupons in the denomination of Five Thousand Dollars ($5,000) each or any integral multiple thereof and shall bear interest at the interest rate or rates fixed at the time of the awarding of the Bonds in accordance with an executive order of the Mayor and the provisions of this Ordinance as hereinafter provided. Interest on the Bonds shall be payable semi-annually on the dates and in the years as may be determined by the Mayor in an executive order. The Bonds shall mature, subject to the option of prior redemption, in annual installments, including any mandatory sinking fund installments, in the years as shall be determined by the Mayor pursuant to an executive order; provided however, that the final maturity of the Bonds shall not exceed 30 years from the date of delivery of the Bonds. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the Bonds; provided, however, that if at the time of authentication of any bond interest is in default, such bond shall bear interest from the date to which interest has been paid.

SECTION 5. Certain of the Bonds may be subject to redemption prior to maturity as may be determined by the Mayor in an executive order. With respect to the Bonds subject to redemption, if any, the redemption dates and the redemption prices shall be specified in an executive order by the Mayor.

The Bonds shall be redeemed only in integral multiples of $5,000. If less than all of the Bonds of any one maturity are called for redemption, the particular bonds to be redeemed from such maturity shall be selected by lot by the bond registrar for the Bonds (the “Bond Registrar”) in such manner as the Bond Registrar in its sole discretion may determine or under the procedures for book-entry bonds if the Bonds are under a book-entry system.

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

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

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

SECTION 6. The Bonds shall be executed in the name of the City and on its behalf by the Mayor. Such signature of the Mayor shall be imprinted on such Bonds by manual or facsimile and a facsimile of the corporate seal of Annapolis shall also be imprinted thereon, attested by the manual or facsimile signature of the City Clerk of Annapolis, all in accordance with and pursuant to the authority of the Maryland Uniform Facsimile Signature of Public

Officials Act, being Sections 2-301 through 2-306 of the State Finance and Procurement Article of the Annotated Code of Maryland.

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

All Bonds shall be issued as fully registered bonds without coupons and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar. The Bonds initially will be issued in book-entry form without any physical distribution of certificates made to the public. DTC will act as securities depository for the Bonds and the Bonds will be registered in the name of DTC's partnership nominee, Cede & Co. The City reserves the right to terminate maintenance of the Bonds in a book-entry only system and to issue fully certificated bonds. The Mayor or his designee is hereby authorized to appoint a financial institution to act as the Bond Registrar and as paying agent (the "Paying Agent") for the Bonds, unless the Mayor determines after consulting with the financial advisor to the City (the "Financial Adviser") that the City shall act as the Bond Registrar or the Paying Agent or both. Payment of the principal of and interest on the Bonds shall be made to the person appearing on the registration books maintained by the Bond Registrar as the registered owner thereof, such principal to be payable at the principal office of the Paying Agent upon presentation and surrender of such bonds as the same become due and payable, and such interest to be payable by check mailed by the Paying Agent to the persons in whose names the bonds are registered on the regular record date which shall be the fifteenth day of the month immediately preceding each regular interest payment date, or such other day specified in the bond (the "Regular Record Date"), at the registered owner's address as shown on the registration books maintained by the Bond Registrar.

SECTION 7. Any interest on any Bond which is payable but is not punctually paid or provision for the payment of which has not been made ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date solely by virtue of such registered owner having been such registered owner; and such Defaulted Interest may be paid by the City, at its election in each case, as provided in paragraph (1) or (2) below:

(1) The City may elect to make payment of any Defaulted Interest on the Bonds to the persons in whose names such Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in

the following manner. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the Bonds and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, first-class postage prepaid, to each registered owner at his address as it appears in the registration books maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent may, in its discretion, in the name of the City, cause a similar notice to be published at least once in a newspaper of general circulation in Annapolis, Maryland but such publication shall not be a condition precedent to the establishment of such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the Bonds as of the close of business on such Special Record Date.

(2) The City may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed, and upon such notice as may be required by such exchange, if, after notice given by the City to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Except as provided hereinafter or in ordinances of the Mayor and Aldermen of the City of Annapolis adopted prior to the issuance and delivery of the Bonds, all Bonds shall be substantially in the following form, with appropriate insertions as therein indicated and such other modifications as shall be approved by the Mayor, which form and all of the covenants therein contained are hereby adopted by Annapolis as and for the form of obligation to be incurred by Annapolis, and said covenants and conditions are hereby made binding upon Annapolis, including the promise to pay therein contained:

No. R-___
$_____

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF MARYLAND
CITY OF ANNAPOLIS, MARYLAND

GENERAL OBLIGATION BOND

PUBLIC IMPROVEMENTS BOND
2013 SERIES

Interest Rate Per Annum	Maturity Date	Date of Original Issue	CUSIP

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT DOLLARS

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

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

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

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

Year of Maturity	Principal Amount	Interest Rate	Year of Maturity	Principal Amount	Interest Rate

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

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

Redemption Period (both dates inclusive)	Redemption Price

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

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

If the City elects to redeem all or a portion of the bonds outstanding, it shall give a redemption notice by first class mail, postage prepaid, at least 20 days prior to the date fixed for redemption

to each registered owner appearing on the books kept by the Bond Registrar. Notwithstanding the foregoing, so long as all of the Bonds are registered in the name of Cede & Co., as nominee for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight express delivery) in a timely manner designed to assure that such notice is in DTC possession no later than the close of business on such 20th day; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed or in the mailing thereof shall not affect the validity of the redemption proceedings. The redemption notice shall state (i) whether the bonds are to be redeemed in whole or in part and, if in part, the maturities and numbers of the bonds to be redeemed, (ii) the date fixed for redemption and the redemption price or prices, (iii) that the bonds to be redeemed shall be presented for redemption at the office of the Bond Registrar, (iv) that interest on the bonds called for redemption shall cease to accrue on the date fixed for redemption, and (v) other conditions, if any, for the redemption on the date fixed for redemption, including but not limited to the availability of funds for such redemption.

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

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

The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the City does hereby covenant and agree to pay the principal of this bond and the interest thereon,

at the dates and in the manner mentioned herein, according to the true intent and meaning hereof.

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

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

ATTEST: CITY OF ANNAPOLIS

_____ By:_____
City Clerk Mayor

CERTIFICATION OF AUTHENTICATION

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

_____
_____
[Authorized Officer of Bond Registrar]

(Form of Assignment)

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

Dated: _____

In the presence of:

_____

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

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

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

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

The Mayor, City Manager and Finance Director are hereby authorized to prepare and distribute a preliminary official statement and final official statement or a disclosure memorandum in connection with the sale of the Bonds.

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

NOTICE OF SALE

$_____
CITY OF ANNAPOLIS, MARYLAND
General Obligation Bonds
Public Improvements Bonds, 2013 Series

Electronic bids via the BiDCOMP/Parity Competitive Bidding System ("PARITY") will be received until ____ a.m., prevailing Eastern time, on _____ (unless postponed as described herein) by City of Annapolis (the "City") for the City's General Obligation Bonds, Public Improvements Bonds, 2013 Series (the "Bonds").

Terms of the Bonds

The Bonds shall be dated the date of their delivery.

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

Maturing _____*	Principal Amount*	Maturing _____*	Principal Amount*

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

The proceeds of the Bonds will be used to finance the costs of certain public projects of the City and pay the costs of issuing the Bonds. The Bonds will be fully registered bonds without coupons in the denomination of $5,000 each or any integral multiple thereof.

Authority

The Bonds are issued pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended. The Bonds are authorized pursuant to Ordinance O-___-13.

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

Book-Entry System

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

Interest on the Bonds will be payable when due and the principal or redemption price of the Bonds will be payable at maturity or upon earlier redemption to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC ("Participants") will be the responsibility of Participants and other nominees of beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, Participants or persons acting through Participants.

Optional Redemption

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

Adjustments of Principal Amounts

The preliminary aggregate principal amount of the Bonds and the preliminary principal amount of each annual payment on the Bonds as set forth in this Notice of Sale (the "Preliminary Aggregate Principal Amount" and the "Preliminary Annual Principal Amount", and collectively the "Preliminary Amounts") may be revised before the receipt and opening of the bids for their purchase. Such revisions may include the addition or deletion of maturities of the Bonds. **ANY SUCH REVISIONS** made prior to the opening of the bids (the "Revised Aggregate Principal Amount" and the "Revised Annual Principal Amount", and collectively the "Revised Amounts") **WILL BE PUBLISHED ON THOMPSON MUNICIPAL MARKET MONITOR ("TM3") (www.tm3.com) NOT LATER THAN 9:30 A.M. (LOCAL BALTIMORE, MARYLAND TIME) ON THE ANNOUNCED DATE FOR RECEIPT OF BIDS FOR THE BONDS.**

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

Such Revised Amounts, among other things, will be used by the City to calculate the final aggregate principal amount of the Bonds and the final principal amount of each annual payment on the Bonds (the "Final Aggregate Principal Amount" and the "Final Principal Amount" of each annual payment, respectively, and collectively, the "Final Amounts"). In determining the Final Amounts the City reserves the right to increase or decrease the aggregate amount of the Bonds by an amount not to exceed twelve percent (12%) and correspondingly adjust the issue size, with all calculations to be rounded to the nearest $5,000.

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

Change of Bid Date and Closing Date

The City reserves the right to postpone, from time to time, the date established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on TM3.

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

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

The City reserves the right to change the scheduled delivery date for the Bonds.

Bid Parameters

No bid of less than 100% of par or more than [112%] on an "all-or-none" basis, no oral bid and no bid for less than all of the Bonds described in this Notice of Sale, will be considered.

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

Basis of Award

The Mayor of the City will not accept and will reject any bid for less than all of the Bonds. The City will award all of the Bonds to one bidder. The City reserves the right to reject any and all bids and to waive any irregularities in any of the bids. The judgment of the City shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity with the terms of this Notice of Sale.

The Bonds will be awarded to the bidder naming the lowest true interest cost (TIC) for the Bonds in any legally acceptable proposal and offering to pay not less than par. The lowest true interest cost with respect to the Bonds will be determined by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to the date of the Bonds and to the amount bid.

Where the proposals of two or more bidders result in the same lowest true interest cost for any Bonds, such Bonds may be apportioned between such bidders, but if this shall not be acceptable, the City shall have the right to award all of such Bonds to one bidder. There will be no auction. The right is reserved to the City to reject any or all proposals and to waive any irregularity or informality in any proposal. The City's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m., prevailing Eastern Time, on the sale date. All bids remain firm until an award is made. Upon notice of such award, the winning bidder shall advise the City of the initial reoffering prices to the public of each maturity of the Bonds and the names of the members of the underwriting groups.

Procedures for Electronic Bidding

Bidders to Submit Bids by PARITY

Bids must be submitted electronically via PARITY pursuant to this Notice of Sale until 11:00 a.m., prevailing Eastern time, on the sale date but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, telephone (212) 849-5021.

Disclaimer

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

Electronic Bidding Procedures

Electronic bids must be submitted for the purchase of the Bonds (all or none) via PARITY. Bids will be communicated electronically to the City at 11:00 a.m., prevailing Eastern time, on [_____]. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via PARITY, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via PARITY to the City, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on PARITY shall constitute the official time.

Good Faith Deposit

A good faith deposit in the amount of $_____ is required of the winning bidder for the Bonds. The winning bidder for the Bonds is required to submit such good faith deposit payable to the order of the City in the form of a wire transfer in federal funds as instructed by the City's Financial Advisor, Davenport & Company LLC or a financial surety bond. The winning bidder shall submit the good faith deposit not more than two hours after verbal award is made. The winning bidder should provide as quickly as it is available, evidence of wire transfer by providing the City the federal funds reference number. If the winning bidder fails to comply with the good faith deposit requirement as described herein, that bidder is nonetheless obligated to pay to the City the sum of $_____ as liquidated damages due to the failure of the winning bidder to timely deposit the good faith deposit.

Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the good faith deposit requirement.

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

Approving Legal Opinion

The approving legal opinion of McKennon Shelton & Henn LLP, Baltimore, Maryland, Bond Counsel, will be furnished to the purchasers without cost. There will also be furnished the usual closing papers and, in addition, a certificate signed by appropriate officers of the City, certifying that there is no litigation pending or, to the knowledge of the signers of such certificate, threatened affecting the validity of the Bonds and that on the date of the Official Statement mentioned below and at the time of delivery of the Bonds the statements and information contained in such Official Statement which are made and provided by the City are and will be true, correct and complete in all material respects and the Official Statement does not and will not omit any statement or information which is required to be stated therein or necessary to make the statements and information therein, in the light of the circumstances under which they were made, not misleading or incomplete in any material respect.

Preliminary Official Statement; Continuing Disclosure

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

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

Delivery

The Bonds will be delivered on or about [_____] (unless a notice of a change in the delivery date is provided) through the facilities of DTC in New York, New York, against payment therefore in federal or other immediately available funds.

Reoffering Price Certificate

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

Miscellaneous

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

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

CITY OF ANNAPOLIS, MARYLAND

By: /s/_____
Mayor

By: /s/_____
Director of Finance

SECTION 9. If any Bonds are sold pursuant to the foregoing Notice of Sale, the award shall be made by order of the Mayor. Such action of the Mayor shall also fix the interest rate or rates payable on the Bonds in accordance with the accepted proposal. The Mayor shall also be authorized to make all changes necessary to the form of the Bond to comply with a book-entry only system. The Bonds shall thereupon be signed as hereinabove provided and delivered to the successful bidder upon payment of the balance of the purchase price thereof. The proceeds of the Bonds shall be paid to the Finance Director. The first proceeds of the Bonds in anticipation of the sale of which Notes (as defined herein) were issued shall be applied to the payment of the principal of and interest on such Notes. Upon approval of the appropriate vouchers, in accordance with the established procedure of the City, the Finance Director shall pay, from the proceeds of the Bonds in his hands, all expenses incurred in the issuance of the Bonds, including costs of advertising, printing, document reproduction and counsel fees and expenses. The balance of said proceeds shall be credited by the Finance Director to the several accounts on his books for the Projects described above and the Finance Director shall make disbursements for such Projects in accordance with the established procedure of Annapolis. Prior to expenditure of such proceeds, the same or any part thereof shall be invested by the Finance Director, with the approval of the Mayor, in any authorized investment of the City. If the funds derived from the sale of the Bonds shall exceed the amount needed to finance any of the Projects described in this Ordinance, or if the City Council determines that the public interest requires a change in the capital improvements program of Annapolis, the funds so borrowed and not expended for the public improvements provided by this Ordinance shall be set apart in a separate fund by the Finance Director and applied in payment of the debt service on the Bonds, unless the City Council shall adopt an ordinance allocating such funds to some other public capital improvement project or projects of Annapolis.

SECTION 10. In order to provide for the payment of the principal of and interest on the Bonds hereby authorized when due, there shall be appropriated in the next ensuing fiscal year of Annapolis and in each fiscal year thereafter, so long as any of the Bonds are outstanding and unpaid, or until sufficient funds have been accumulated and irrevocably set aside for the purpose, an amount sufficient to meet the debt service on the Bonds coming due in such fiscal year and there shall be levied *ad valorem* taxes upon all property within the corporate limits of the City subject to assessment for full City taxes, in rate and amount sufficient in each such year to fund such appropriations and to provide for the payment when due of the principal of and interest on all Bonds maturing in each such fiscal year. In the event the proceeds from the

taxes so levied in each such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency. Thereafter, prior to each semi-annual interest payment date, the Finance Director shall deposit with the Paying Agent, from the tax proceeds above described, the amounts needed to pay the principal of and interest on the Bonds coming due on each such interest payment date. All moneys so deposited with the Paying Agent shall be deemed and treated by the Paying Agent as trust funds for the use and benefit of the holders from time to time of the Bonds hereby authorized. Any such trust funds so held by the Paying Agent for the payment of particular Bonds for periods of more than two (2) years from the dates of such Bonds, upon the expiration of any such two-year period and the failure of the holders of said Bonds to present the same for payment within such period, shall be returned by the Paying Agent to the City and, therefor, the holders of any such Bonds shall have claims only against the City for payment of the obligations held by them and the Paying Agent shall be relieved of the trust hereby imposed.

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

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

SECTION 11. This Ordinance and the question of the issuance of Bonds hereunder shall not be submitted to a referendum of the registered voters of Annapolis, as permitted by law, unless, within ten (10) days after the passage of this Ordinance, there shall be served upon the Mayor a notice signed by not fewer than two hundred (200) of the registered voters of Annapolis, advising that a petition for a referendum on the issuance of said bonds is being circulated by one or more of the persons signing said notice and unless, within twenty (20) days after the delivery of such notice, there shall also be filed with the Mayor a petition or petitions

requesting the holding of such a referendum, properly signed as required by the Charter, by not fewer than twenty-five per centum (25%) of the registered voters of Annapolis, as shown by the registered voters books of Annapolis, maintained by the Board of Supervisors of Elections of the City (the "Board of Supervisors"). In view of the foregoing, no action shall be taken by Annapolis pursuant to this Ordinance for a period of ten (10) days following its passage. If, within such ten (10) day period, the notice above described is filed as aforesaid, then no action shall be taken by Annapolis pursuant to this Ordinance for a period of twenty (20) days following the filing of such notice. If, within such twenty (20) day period, a petition for referendum, as above-described, shall be filed as aforesaid, then no action shall be taken by Annapolis under this Ordinance unless and until the Mayor shall receive written advice from the City Attorney and the Board of Supervisors that such referendum petition does not meet the requirements of the Charter or unless and until the referendum requested in such petition shall be duly held in accordance with law and the Board of Supervisors shall certify to Annapolis that, in the election at which such referendum is held, a majority of the registered voters of Annapolis voting on the question referred duly cast their ballots in favor of the issuance of the Bonds hereby authorized. If this Ordinance shall be ratified or approved on any such referendum, then the Mayor and City Clerk may proceed with the issuance of the Bonds hereby authorized, without further action by Annapolis.

SECTION 12. That CUSIP numbers may be printed on the Bonds; provided, however, that the printing of CUSIP numbers on the Bonds (even if incorrect) shall have no legal effect and shall not in any way affect the enforceability or validity of any Bond. Any expenses in relation to the printing of CUSIP numbers on the Bonds, including any CUSIP Service Bureau charge for the assignment of such numbers, in the discretion of the Finance Director, may be paid for by the City from the proceeds of the Bonds.

SECTION 13. In addition to the insertions and variations prescribed by this Ordinance, the Mayor is hereby authorized to make such further modifications in such forms as will not alter the substance of such forms. In connection with the issuance of any Bonds pursuant to this Ordinance, the City is hereby authorized to enter into one or more agreements as the Mayor shall deem necessary or appropriate for the issuance, sale, delivery or security of such Bonds, which may include (without limitation) (i) underwriting, purchase or placement agreements for Bonds sold at private (negotiated) sale in accordance with the provisions of this Ordinance; (ii) trust agreements with commercial banks or trust companies providing for the issuance and security of such Bonds; (iii) any dealer, remarketing or similar agreements providing for the placement or remarketing of such Bonds; (iv) agreements providing for any credit or liquidity

facilities supporting any Bonds; (v) agreements with commercial banks or trust companies providing for the deposit of proceeds of any Bonds; (vi) agreements with fiscal agents providing for the issuance of Bonds, their authentication, registration, verification of amounts and earnings set aside to pay the Refunded Bonds or payment or other similar services; and (vii) continuing disclosure agreements, including any such agreements required to enable the underwriters of any Bonds to meet the requirements of paragraph (b)(5) of Rule l5c2-12 promulgated by the United States Securities and Exchange Commission. Each such agreement shall be in such form as shall be determined by the Mayor by executive order. The execution and delivery of each such agreement by the Mayor shall be conclusive evidence of the approval of the form of such agreement on behalf of the City.

SECTION 14. In the event that Bonds are issued pursuant to this Ordinance with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes this Section 14 shall apply.

The Mayor and the Finance Director shall be the officers of the City responsible for the issuance of the Bonds within the meaning of the “Arbitrage Regulations” (defined herein).

The Mayor and the Finance Director shall also be the officers of the City responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the City (the “Tax and Section 148 Certificate”) which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended (“Section 148”), and the applicable regulations thereunder (the “Arbitrage Regulations”), and such officials are hereby authorized and directed to execute the Tax and Section 148 Certificate and to deliver the same to Bond Counsel on the date of the issuance of the Bonds.

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

In the event that Bonds are issued pursuant to this Ordinance with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes, the City covenants with each of the registered owners of any of the Bonds that it will not make,

or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The City further solemnly covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds as long as the Bonds remain outstanding and unpaid. The Mayor, the City Manager, and the Finance Director are hereby authorized and directed to prepare or cause to be prepared and to execute any certification, opinion or other document, including, without limitation, the Tax and Section 148 Certificate, which may be required to assure that the Bonds will not be deemed to be “arbitrage bonds” within the meaning of Section 148 and the regulations thereunder.

The City further covenants with each of the registered owners of any of the Bonds (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Bonds or a portion of the Bonds to be “federally guaranteed” within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended, and (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds or a portion of the Bonds to be “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended.

In the event that the Bonds are being issued hereunder with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes, the Mayor may make such covenants or agreements in connection with the issuance of such Bonds as he shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes and such covenants or agreements shall be binding on the City so long as the observance by the City of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants or agreements may include such covenants or agreements on behalf of the City regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Mayor shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon is and shall remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of Bond Proceeds, the payment of certain earnings resulting from such investment to the United States, limitations on the times within which, and the purposes for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for and

segregating Bond Proceeds. Any covenant or agreement made by the Mayor pursuant to this paragraph may be set forth in or authorized by the Tax and Section 148 Certificate or an order executed by the Mayor.

SECTION 15. Bonds issued under this Ordinance are hereby specifically exempted from the provisions of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement).

SECTION 16. The City is hereby authorized, pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter, to issue and sell its bond anticipation notes (the "Notes") in the maximum aggregate principal amount equal to the maximum aggregate principal amount of the Bonds to finance or refinance the Projects in anticipation of the issuance of the Bonds authorized to be issued and sold under this Ordinance, subject to the provisions of this Ordinance.

SECTION 17. Except as otherwise expressly provided in this Ordinance, the Notes shall be issued in the same manner as the Bonds issued pursuant to this Ordinance and shall have the terms and provisions determined in an executive order of the Mayor, and the Mayor is hereby authorized to make the determinations with respect to any Notes as if such Notes were Bonds.

All Notes authorized hereby shall mature on or before that date which is 30 years after the date of the first Note issued pursuant to this Ordinance.

The Mayor is hereby authorized to determine the form of any Notes issued hereunder. The execution and delivery of the Notes as herein provided shall be conclusive evidence of the approval of the form of such Notes on behalf of the City.

SECTION 18. The Notes hereby authorized may be sold for cash at no less than par, plus accrued interest to the date of delivery. The Notes may bear interest at fixed or variable rates as determined by executive order of the Mayor. Authority is hereby conferred on the Mayor to sell the Notes through a public sale or through a private (negotiated) sale, without solicitation of competitive bids, as the Mayor, upon consultation with the Finance Director and the City's Financial Advisor, shall determine to be in the best interests of the City. Any sale of the Notes hereunder by private negotiation is hereby determined to be for the City's best interest.

If the Mayor shall determine in accordance with this Section to sell any Notes at a public sale through the solicitation of competitive bids, then the Mayor may sell such Notes in accordance with such procedures as shall be determined by the Mayor.

Notes issued under this Ordinance are hereby specifically exempted from the provisions of Sections 10 and 11 of Article 31 (2010 Replacement Volume and 2012 Supplement).

SECTION 19. The City hereby covenants and agrees with the holders of the Notes issued under this Ordinance to issue the Bonds in anticipation of the sale of which such Notes are issued when, and as soon as, the reason for deferring the issuance thereof no longer exists, and to pay the principal of and interest on such Notes from the proceeds of such Bonds. This covenant shall be binding upon the City notwithstanding any limitation set forth in this Ordinance, including (without limitation) any limitation with respect to the interest rate or rates that the Bonds may bear. If the City shall not, for any reason, issue and sell such Bonds as aforesaid, or if the proceeds from the sale of such Bonds shall be insufficient to pay the principal of and interest on any Notes, then the tax or other revenue which the City Council shall have previously determined to apply to the payment of such Bonds and the interest thereon shall be applied to the payment of the interest on and principal of such Notes. The foregoing provisions shall not be construed so as to prohibit the City from paying the principal or redemption price of and interest on any Note issued hereunder from the proceeds of the sale of any other Note issued hereunder or from any other funds legally available for that purpose.

If the City shall not, for any reason, issue and sell any Bonds in anticipation of which any Notes are issued, or if the proceeds from the sale of such Bonds shall be insufficient to pay the principal of or interest on such Notes, then the City shall include in the levy in each and every fiscal year that any of such Notes are outstanding *ad valorem* taxes upon all property within the corporate limits of the City subject to assessment for full City taxes, in rate and amount sufficient in each such year to fund such appropriations and to provide for the payment when due of the principal of and interest on all Notes maturing in each such fiscal year. In the event the proceeds from the taxes so levied in each such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

To assure the performance by the City of the provisions of this Section, the full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to maturity of the principal of and interest on the Notes hereby authorized as and when the same respectively mature and become payable and to the levy and collection of the taxes

hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Notes hereby authorized to be issued. This pledge is made hereby for the benefit of the holders, from time to time, of the Notes hereby authorized.

The City may apply to the payment of the principal of and interest on any such Notes any funds received by it from the State of Maryland, the United States of America or any agency or instrumentality thereof, or from any other source, if such funds are granted or otherwise obtained for the purpose of assisting the City in obtaining public facilities of the class or classes of public facilities for which such Notes are authorized; and to the extent that any such funds received or receivable in any fiscal year are applied to such purposes as provided herein, the taxes hereby required to be levied shall be reduced proportionately.

To the extent permitted by law, interest on the Notes hereby authorized may be capitalized and paid from the proceeds of the sale of such Notes or from the proceeds of the sale of the Bonds in anticipation of the sale of which such Notes are issued.

SECTION 20. The proceeds of Notes issued pursuant to this Ordinance may be used to pay, at maturity, or at the time of redemption, the principal or redemption price of, or the principal or redemption price of and interest on, Notes ("Refinanced Notes") previously issued pursuant to this Ordinance. If, and to the extent that, the proceeds from the issuance and sale of Notes are used to repay the principal of Refinanced Notes, such Notes shall constitute a continuance and reissuance of the indebtedness represented by the Refinanced Notes and authorized by this Ordinance and shall not constitute additional indebtedness hereunder or under any other authority.

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

ADOPTED this _____ day of _____, 2013.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

_____

BY:_____

Regina C. Watkins-Eldridge, MMC,
City Clerk

Joshua J. Cohen, Mayor

EXPLANATION

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

Policy Report

Ordinance O-35-13

Issuance of Bonds and Bond Anticipation Notes

The proposed ordinance would authorize the City of Annapolis to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the City Charter, and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter.

The list of projects is as follows:

PROJECT	FISCAL YEAR	BOND FUNDING
Truxton Swimming Pool	2014	$150,000
General Sidewalks	2014	$250,000
City Dock Infrastructure	2014	$5,150,445
City Dock Infrastructure	2014 Federal Boating Infrastructure Grant	$1,500,000
Kingsport Park	2014	$10,931
Wayfinding Signage	2014	$114,500
Hillman Garage Replacement	2014	$765,190
Capital Program Land Acquisition	2013	$2,500,000
City Dock Infrastructure	2013	$275,000
Wayfinding Signage	2013	$40,000
Total		**$10,756,066**

The total amount of $11,500,000 includes the projects above in addition to issuance costs and underwriter's fees.

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

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-36-13

Sponsor: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		

A ORDINANCE concerning

An Amendment to Lease of City Property: Boat Shows in Fall 2013

FOR the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.

WHEREAS, pursuant to Ordinance O-35-08 of the Annapolis City Council, and a lease agreement dated January 21, 2009, the City of Annapolis has leased to the United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., certain municipal property to conduct boat shows during the period October 7, 2013 through October 22, 2013, inclusive; and

WHEREAS, pursuant to O-40-12 Amended, the dates were changed from October 7, 2013 through October 22, 2013 to September 30, 2013 through October 15, 2013, inclusive; and

WHEREAS, the Lessee seeks to add 20 City moorings in St. Mary's Cove on Spa Creek to the leased premises to conduct the Fall Brokerage Boat Show; and

WHEREAS, except as specifically amended above, all other provisions of the January 21, 2009 lease are to remain in full force and effect; and

WHEREAS, the Annapolis City Council believes that these proposed boat shows benefit the City of Annapolis; and

WHEREAS, Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize a lease; and

WHEREAS, an amended lease setting forth terms has been prepared and is considered satisfactory.

NOW THEREFORE:

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the amended lease, a copy of which is attached hereto, between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., amending the January 21, 2009 lease between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., a copy of which is attached hereto, leasing 20 City moorings in St. Mary's Cove on Spa Creek, inclusive with all other provisions of the January 21, 2009 lease remaining in full force and effect, is hereby approved and the Mayor is hereby authorized to execute the amended lease on behalf of the City of Annapolis.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that it is expressly found by the Annapolis City Council that the property which is the subject of the amended lease will better serve the public need for which the property was acquired by stimulating local interest in the boating industry, by encouraging visitors and residents of the City to visit the harbor and dock area, by generating tax revenues and rental income to the City of Annapolis, and by otherwise providing economic benefits to the City of Annapolis.

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

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

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

EXPLANATION

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

Second Amendment to Lease Agreement

This Second Amendment to Lease Agreement is made this _____ day of _____ 2013 by and between The City of Annapolis, a municipal corporation of the State of Maryland ("Lessor "), and United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc. ("Lessee").

Whereas, the parties entered in a Lease Agreement dated January 21, 2009 and an Amendment to Lease Agreement dated February 13, 2013 for the lease of certain City property in connection with the Lessee's boat shows in the City of Annapolis;

Whereas, the parties wish to further amend the Lease Agreement and Amendment to Lease Agreement referenced above;

Now, therefore, and in consideration of the terms stated below and the consideration cited in the Lease Agreement and Amendment to Lease Agreement referenced above, incorporating the recitals above, the sufficiency of which the parties acknowledge, the parties agree as follows:

1. All terms not otherwise defined are used as set forth in the Lease Agreement and the Amendment to the Lease Agreement.

2. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Sunday, September 29, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show.

3. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the additional leased premises identified above the amount of Nine Thousand Dollars ($9,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.

4. Except as expressly stated above, terms of the Lease Agreement and Amendment to Lease Agreement shall remain unchanged and in full force and effect.

Witness the signatures and seals of the parties.

ATTEST: City of Annapolis

_____ By: _____
Regina Watkins-Eldridge Joshua J. Cohen, Mayor (Seal)
City Clerk

United States Sailboats Shows, Inc.
United States Powerboat Shows, Inc.

_____ By:_____
Witness C. E. Hartman (Seal)
President

Approved as to form and legal sufficiency:

_____
Karen M. Hardwick, City Attorney

Financial Review:

_____
Bruce T. Miller, Director of Finance

City Manager Review:

_____
Michael D. Mallinoff, City Manager

Policy Report

Ordinance O-36-13

An Amendment to Lease of City Property: Boat Shows in Fall 2013

The proposed ordinance would authorize an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, and to increase rent paid pursuant to the amended lease, subject to certain terms, provisions and conditions.

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

CITY COUNCIL OF THE
City of Annapolis

ORDINANCE NO. O-37-13

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Environmental Matters	9/9/13		

AN ORDINANCE concerning

Lease of City Property: Boat Shows in Spring 2014

FOR the purpose of authorizing a lease of certain municipal property located in the areas of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2014, to conduct boat shows.

WHEREAS, CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, desires to lease certain municipal property for the purpose of conducting boat shows; and

WHEREAS, the Annapolis City Council believes that leasing certain municipal property from April 22, 2014 through April 30, 2014 for these proposed boat shows would inure to the benefit of the City; and

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

WHEREAS, Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize the lease.

NOW THEREFORE:

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the proposed lease between the City of Annapolis and CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, for the rental of certain municipal property in the area of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley

Water Space, and Old City Recreation Center and other property and water locations from April 22, 2014 to April 30, 2014 specifically described in the lease, a copy of which is attached hereto and made a part hereof, more specifically described in the attached lease, is hereby approved and the Mayor is hereby authorized to execute the lease on behalf of the City of Annapolis.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that it is expressly found by the City Council that the property to be leased will better serve the public need for which the property was acquired by stimulating local interest in the boating industry, encouraging visitors and residents of the City to visit the harbor and dock area, by generating tax revenues and rental income to the City and otherwise providing economic benefits to the City.

SECTION III: 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 _____, 2013.

ATTEST: **THE ANNAPOLIS CITY COUNCIL**

_____ **BY:** _____

Regina C. Watkins-Eldridge, MMC City Clerk Joshua C. Cohen, MAYOR

EXPLANATION

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

LEASE

Authorized by O-37-13

This Lease is made this _____day of_____, 2013, by and between City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and Cruisers University, Inc. trading as Annapolis Spring Sailboat Show ("Lessee").

Article I

Section 1.1. Premises and Term: Lessor hereby leases to Lessee, for the purpose of holding a boat show and related educational seminars, those parcels of land and of water (collectively "Premises") described and designated on the plat designated as Exhibit A attached to and made a part of this Lease, for the periods of time indicated, subject to the provisions and terms of this Lease.

a. Charter Dock Parcels 1 and 2 from Tuesday, April 22, 2014 at 5 PM through Tuesday, April 29, 2014 at 12 PM;

b. Ego Alley Parcel from Tuesday, April 22, 2014 at 5 PM through Monday, April 28, 2014 at 8 PM;

c. Susan Campbell Park Parcel and Dock Street Parking Parcels A, B and C from Wednesday, April 23, 2014 at 7 AM through Tuesday, April 29, 2014 at 5 PM;

d. Donner Parking Lot Parcel from Wednesday, April 23, 2014 at 7 AM through Monday, April 28, 2013 at 5 PM;

e. Old Rec Center, First Floor at 9 St. Mary's Street, from Monday, April 21, 2014 at 12 PM through Wednesday, April 30, 2013 at 5:00 PM.

The boardwalk around the Ego Alley and Susan Campbell Park Parcels shall remain open to the public at all times, except for brief periods during setup and breakdown of the event when required for public safety.

The Premises shall not be open to the public before 10 AM or after 6:30 PM on days and dates specified for the term of use herein.

Section 1.2. Revisions to Premises: Lessor shall have the right on or before March 15, 2014, to alter the area of the Premises in order to reflect any change in ownership or infrastructure, provided written notice is furnished to Lessee on or before March 15, 2014. Lessee shall have the right to delete from the Premises any one or more of Charter Dock Parcel 1 and 2 and Dock Street Parcels C and D, provided written notice is furnished to the Office of the Mayor and to the Harbormaster on or before March 15, 2014. In the event of any change in area by Lessor or deletion of parcels by Lessee, rent shall be adjusted

accordingly.

Section 1.3. Rent: Base Rent shall be: (A) the greater of (i) 50% of Lessee's gross receipts (after deducting admission taxes) from the sale by Lessee of tickets for admission to the shows for that year (hereinafter “Ticket Sales Base Rent”) or, (ii) Seventeen Thousand One Hundred Seventy Four Dollars ($17,174.00) (hereinafter "Minimum Base Rent" as allocated below).

If Minimum Base Rent is paid, Lessee shall pay Lessor the Minimum Base Rent, in full, within thirty (30) days of the close of the show. Rent for the various parcels comprising the Premises shall be in the amount of Seventeen Thousand One Hundred Seventy Four Dollars ($17,074.00) allocated as follows:

Charter Dock Parcel 1:	$1,500
Charter Dock Parcel 2:	$500
Ego Alley Parcel:	$2,820
Susan Campbell Parcel	$0
Dock Street Parcel A	$2,000
Dock Street Parcel B	$2,000
Dock Street Parcel C	$2,000
Dock Street Parcel D	$2,000
Donner Parking Parcel	$1,254
Annapolis Rec Center Parcel	$3,000

If Ticket Sales Base Rent is paid, Lessee shall pay Lessor simultaneously with the payment of the State admissions tax. Proof of gross receipts from ticket sales shall be supplied at that time to the City of Annapolis Director of Finance in a form satisfactory to the Director.

Section 1.4. Use of Premises: Lessee is authorized to use existing and normal ingress to and egress from the Premises, existing and normal street and harbor lighting, and existing and normal police and fire protection. Any use of facilities and services beyond what is existing and normal shall be invoiced by the City as specified in Section 1.3 above.

Use of the Old Rec Center shall be for administrative and educational seminar purposes only. Lessee may sell non-alcoholic beverages inside the Old Rec Center during hours of daily operation exclusively to seminar participants and others conducting administrative business inside the Old Rec Center.

Lessee shall not block access for emergency vehicles to the Susan Campbell Park Parcel or to the public walkway/boardwalk along the City Dock.

Lessee is authorized to construct, install, or erect booths, exhibits, chairs, tables, and tents in the Premises in connection with the boat show without permanently affecting the Premises. Lessee shall obtain all required temporary structures permits associated with this boat show.

Lessee, at its own expense, shall install all temporary electrical equipment, lines and devices required to provide power to the Premises in compliance with the National Electric Code and subject to electrical inspection and all required permitting by the City.

Lessee is prohibited from selling food, alcoholic and non-alcoholic beverages on the Premises. Amplified music or other amplified sound is prohibited on the Premises.

Lessee shall submit to the City a diagram of its proposed use of the Premises at least thirty (30) days prior to the boat show and obtain final City approval of the diagram.

Section 1.5. Costs and Expenses: Lessee shall pay all costs and expenses incurred by the City as a result of Lessee's use of the Premises. Expenses may include, but are not limited to: utilities, parking and transportation, facilities and services, police services, fire services and other City services. Full cost shall be determined by the Director of Finance and invoiced post-event and shall be due and payable 30 days from date of invoice.

Article II

Section 2.1. Pre-Show Meetings and Inspection: Prior to the opening of each boat show, representatives of Lessor's Department of Neighborhood and Environmental Programs, Police Department, Fire Department, Harbormaster, and Department of Public Works shall inspect the Premises and nearby areas with Lessee's representative to determine compliance with City requirements and for determination of the condition of the Premises. Written approval by representatives of these departments is required before Lessee may open either boat show. The opening of the boat show shall not be delayed by any department whose representative is not present for the pre-inspection. Lessor shall not refuse permission to open either boat show or any part of the show under this paragraph unless a threat to health or safety has been identified. Lessor shall make every effort to limit that part of the show not opened in the event of such threat and to allow Lessee to open the closed portion of the show as soon as the threat is abated to Lessor's satisfaction. All other federal, state or county permits which may be required shall be the responsibility of the Lessee.

Section 2.2. Transportation: The Lessee shall prepare and submit a written Transportation Plan with a Parking Element to Lessor's Director of Transportation. The Transportation Plan shall address matters specified by the Director of Transportation and shall be submitted no later than April 1, 2014. Except for public ways within the Premises, the Transportation Plan shall not provide for the closure of any street or restrict parking to those associated with the boat shows. Moreover in publicizing the boat shows, Lessee shall direct all persons attending the event to park their vehicles at satellite lots and ride the shuttle to the site of the boat shows. Upon receipt of the Transportation Plan, the Director of Transportation shall make copies available to relevant Departments, including, but not limited to those listed in Section 2.1, and to interested parties who have requested a copy.

Article III

Section 3.1. Insurance: Lessee, at its own expense, shall obtain and keep in full force and effect comprehensive commercial general liability insurance of no less than Two Million Dollars ($2,000,000.00) combined single limit, bodily injury and property damage, and Eight Million Dollars ($8,000,000.00) umbrella policy, which shall be effective during the entire period of time during which the Lessee shall use or occupy the Premises or any part of the Premises.

The insurance policy or policies shall specifically name the City of Annapolis, and in their capacity as such, the Directors, officers, agents and employees thereof, as additional insureds, and insure against any and all loss, costs, damages, and expenses suffered by any person or to any property, including property owned by Lessor, due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use of the Premises or any part of the Premises by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee's insurer or insurers shall be authorized to write the required insurance, approved by the Insurance Commissioner of the State of Maryland, and subject to the approval of Lessor's City Attorney. The form and substance of the Lessee's insurance policy or policies shall also be subject to reasonable approval by Lessor's City Attorney, and shall be submitted to the City Attorney for such approval not less than thirty (30) days prior to Lessee's occupancy of the Premises. The policy or policies of insurance shall then be secured by Lessee and filed with the City Attorney not less than fifteen (15) days prior to Lessee's occupancy of the Premises. No approval shall be unreasonably withheld.

The Certificate for each insurance policy shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, whether at the request of Lessee or for any other reason, except after thirty (30) calendar days advance written notice mailed by the insurer to Lessor's City Attorney, and that such notice shall be transmitted postage prepaid, return receipt requested.

The obligations of Lessee under this Article are part of but do not limit or satisfy Lessee's obligations under Article IV.

Article IV

Section 4.1. Indemnity: Lessee shall forever indemnify, defend and hold harmless Lessor, its officers, agents, and employees, from and against any and all claims, suits, actions, judgments, and liability for loss, injury, damages, attorney's fees, and/or expenses suffered or alleged to have been suffered during the lease term by any person or to any property due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use and occupancy of the Premises or any part of the Premises, by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee shall reimburse Lessor, within thirty (30) days after demand for such reimbursement, for any damage done to Lessor's buildings, facilities, equipment or property caused by an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, during Lessee's use and occupancy of the Premises or any part of the Premises.

Article V

Section 5.1. Security: Lessee shall contract with and pay, as independent contractors, security guards from an agency duly licensed by the State of Maryland, in numbers sufficient to maintain security, peace and order at the boat shows inside the Premises during the lease term.

Article VI

Section 6.1. Interior Construction: Lessee shall have the right to construct, install or erect seats, platforms, booths, tanks, scaffolding, rigging, floating piers, pilings, docks, catwalks, tents, exhibits, and any other apparatus or structure which Lessee may deem necessary or desirable for the purpose of presenting the boat shows. Lessee shall have the right to erect and construct a temporary fence so as to enclose the Premises in such a manner as to limit entry onto the Premises through controlled entrances. Such fence shall not contain barbed wire, razor wire or any similar materials.

Section 6.2. Exterior Construction: Lessee shall erect and construct temporary wooden sidewalks, wherever necessary to provide for pedestrian traffic, outside of the Premises where the existing sidewalks are enclosed in the Premises by a temporary fence described in Section 7.1. All temporary sidewalks shall be handicap accessible and illuminated during hours of darkness and maintained by Lessee in a safe and secure condition.

Section 6.3. ADA and Other Permits: Lessee hereby assumes exclusive responsibility for compliance with any and all applicable provisions of the Americans with Disabilities Act of 1990, as amended from time to time, at the Premises, during the entire time Lessee uses or occupies the Premises or any part of the Premises. Subject to the inspection provisions of Section 3.7 of this Lease and to standard public safety and health approvals, any and all permits, licenses or authorizations required to be obtained from the City by Lessee during the term of this Lease for the purpose of constructing or erecting the temporary structures described in Sections 7.1 and 7.2 of this Lease or for operating the boat shows, shall be deemed granted and issued upon the execution of this Lease by Lessor and Lessee. All other federal, state or county permits, which may be required, shall be the responsibility of the Lessee.

Article VII

Section 7.1. Trash: Lessee, at its own expense, shall provide an adequate and equal number of trash and recycling containers for its use within the boat show grounds during the entire use and occupancy period of the Premises, and shall provide for the prompt removal of all such containers, trash and refuse. The Lessee shall collect the same recycling materials that the Lessor collects in its curbside recycling service. Lessor, at its own expense, shall provide an adequate number of trash dumpsters outside the boat show grounds for the use of Lessee during the use and occupancy period and shall provide for the prompt removal of trash, refuse and recycling materials generated during the boat show.

Section 7.2. Cleanliness: Lessee shall be responsible for keeping the Premises free of debris, trash and refuse, which shall be placed in dumpsters or receptacles.

Section 7.3. Sanitation and Toilets: Lessee shall, at its own expense, provide adequate and sanitary toilet facilities throughout the Premises for use by the general public and others attending or participating in the boat shows, including sufficient ADA compliant sanitary toilet facilities.

Article VIII

Section. 8.1. Quiet Enjoyment: Lessor covenants with Lessee that at all times during the term of this Lease, Lessee shall peacefully hold and quietly enjoy the use and occupancy of the Premises without any disturbance or hindrance from Lessor or from any other person claiming through Lessor, except that Lessor or others claiming through Lessor may enter onto the Premises to effect necessary repairs to their own facilities as reasonably contemplated by

the terms of this Lease, and to assure compliance with the terms of this Lease. Lessee shall cooperate with the Lessor to effect this access to the Premises.

Section 8.2. Trash and Public Safety Cooperation: The parties shall cooperate with each other and use their best efforts to ensure that there is prompt trash removal, public safety protection and adequate traffic control during the designated period of use and occupancy by Lessee of the Premises.

Article IX

Section 9.1. Condition of Premises After Show: Following the lease term, Lessee, at Lessee's sole expense, shall return the Premises to Lessor in the same or superior condition than received, natural wear and tear excepted.

Section 9.2. Lessee's Equipment After Show: Prior to the expiration of the lease term, Lessee shall immediately remove all of its property, fixtures and chattels from the Premises. In the event that Lessee, its officers, agents, employees, vendors, subtenants or contractors, fail to remove any item of property, Lessor reserves the right to remove and store any such property after the expiration or termination of the lease term at Lessee's expense or as an alternative, to leave the property at the Premises. In either case, Lessor shall charge Lessee per diem rental for storage of such property. Lessor shall bear no responsibility or liability for damage to or expense incurred as a result of property left, removed or stored under the provisions of this Section. Lessee shall pay to Lessor any expenses or charges under this Section billed to Lessee by Lessor within thirty (30) days after delivery of any such bill by Lessor to Lessee.

Section 9.3. Post-Show Inspection: Within ten (10) days following the expiration of the lease term, Lessee shall accompany Lessor during a tour of the Premises to determine the condition of the Premises. Items corrected or repaired by Lessor, deemed by Lessor to be the responsibility of Lessee, shall be billed by Lessor and paid by Lessee within thirty (30) days after receipt of such bill.

Article X

Section 10.1. Remedies: All duties, liabilities and/or obligations imposed upon or assumed by Lessee and Lessor by or under this Lease shall be taken or construed as cumulative and the mention of any specified duty, liability or obligation imposed upon or assumed by Lessee or Lessor under this Lease shall not be taken or construed as a limitation or restriction upon any or all of the other duties, liabilities, or obligations imposed upon or assumed by Lessee under this Lease. The remedies provided for in this Lease shall be construed to be cumulative and in addition to any other remedies provided in law or equity which Lessor or Lessee would have in any case. Lessor shall have the right to seek and obtain in any court of competent jurisdiction an injunction, without the necessity of posting a bond, to restrain a violation or alleged violation by Lessee of any term of this Lease, anything to the contrary notwithstanding. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation. The remedies provided in this Leaser shall not be deemed exclusive of other remedies not specified.

Article XI

Section 11.1. Impossibility of Performance: If, for any reason, an unforeseen event not the act of Lessor occurs, including but not limited to fire, casualty, act of God, labor strike or

other unforeseen occurrence which renders impossible the fulfillment of any rental period of this Lease, Lessee shall have no right to claim damages not right to claim against Lessor for damages, but Lessee shall not be liable for the payment of rent for said rental period. However, if such impossibility relates to not more than five percent (5%) of the rental period, Base Rent, if determined under Section 1.3(A)(ii) of this Lease, shall be prorated to account for the number of scheduled hours the Show is not open to the public.

Article XII

Section 12.1. Payment: Lessee shall make all payments due under this Lease by check, payable to the City of Annapolis. In addition to all other amounts due pursuant to this Lease, Lessee shall pay Lessor a monthly late fee of 1.5% (18% per annum) of any payment more than sixty (60) days past due, until paid.

Article XIII

Section 13.1. Time is of the Essence: Time is of the essence in the performance of this Lease. The times and deadlines specified in this Lease shall not be extended for any reason, except as may be provided in this Lease, relating to the term of the Lease or the installation or removal of equipment, materials or displays from the Premises, without written consent of Lessor.

Article XIV

Section 14.1. Assignment: Lessee shall not assign, transfer, or otherwise dispose of this Lease without the prior written consent of Lessor, but such consent shall not be unreasonably or arbitrarily withheld. The foregoing shall not prevent Lessee from subleasing portions of the Premises to boat show exhibitors, provided the portion of the Premises subleased to any exhibitor does not exceed twenty-five percent (25%) of the total area of the Premises.

Article XV

Section 15.1. Independent Contractor: Lessee is an independent contractor and not the agent or employee of Lessor. Under no circumstances shall this Lease be considered to create an employee or agency relationship or a partnership or joint venture.

Article XVI

Section 16.1. Liens: Lessee hereby consents that Lessor shall have a lien upon all property of Lessee located from time to time upon the Premises for any and all unpaid charges which arise under this Lease. Lessee hereby consents to and Lessor shall have the power to impound and retain possession of such property until all such charges and late fees due under Article XIII have been paid, in full, to the satisfaction of Lessor. In the event such charges remain unpaid ten (10) days after the termination of this Lease, Lessor shall have the power to sell such property at public auction and apply the receipts from such auction to all such unpaid charges.

Article XVII

Section 17.1. Compliance with all Laws: Lessee shall comply with all laws, ordinances, and statutes applicable to the Premises or any part of the Premises, and the use and occupancy

thereof, and to pay all taxes or charges imposed by law in connection with Lessee's use and occupancy of the Premises. Lessee shall have a reasonable time to correct any violation.

Article XIII

Section 18.1. Immunities: Nothing in this Lease shall be interpreted or construed to waive, in whole or in part, or to otherwise diminish, Lessor's statutory, common law or other immunities in any action in tort, in contract or in any other form. The parties agree that if any duty assumed by Lessor under the terms of this Lease or any action taken by Lessor pursuant to any such term is construed to waive, in whole or in part, any such immunity, then the immunity shall nevertheless be fully restored, and shall bind and protect the parties as a contractual undertaking.

Article XIX

Section 19.1 Authority: This Lease is authorized by Ordinance O-37-13 adopted by the City Council of the City of Annapolis.

In Witness Whereof, the City of Annapolis, by and through its duly authorized agent, has caused this Lease to be executed on its behalf, and the Lessee, Cruiser University, Inc. trading as Annapolis Spring Sailboat Show and Cruiser University, Inc. trading as Annapolis Spring Sailboat Show, has duly executed this Lease on the date first written above.

Attest: City of Annapolis

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

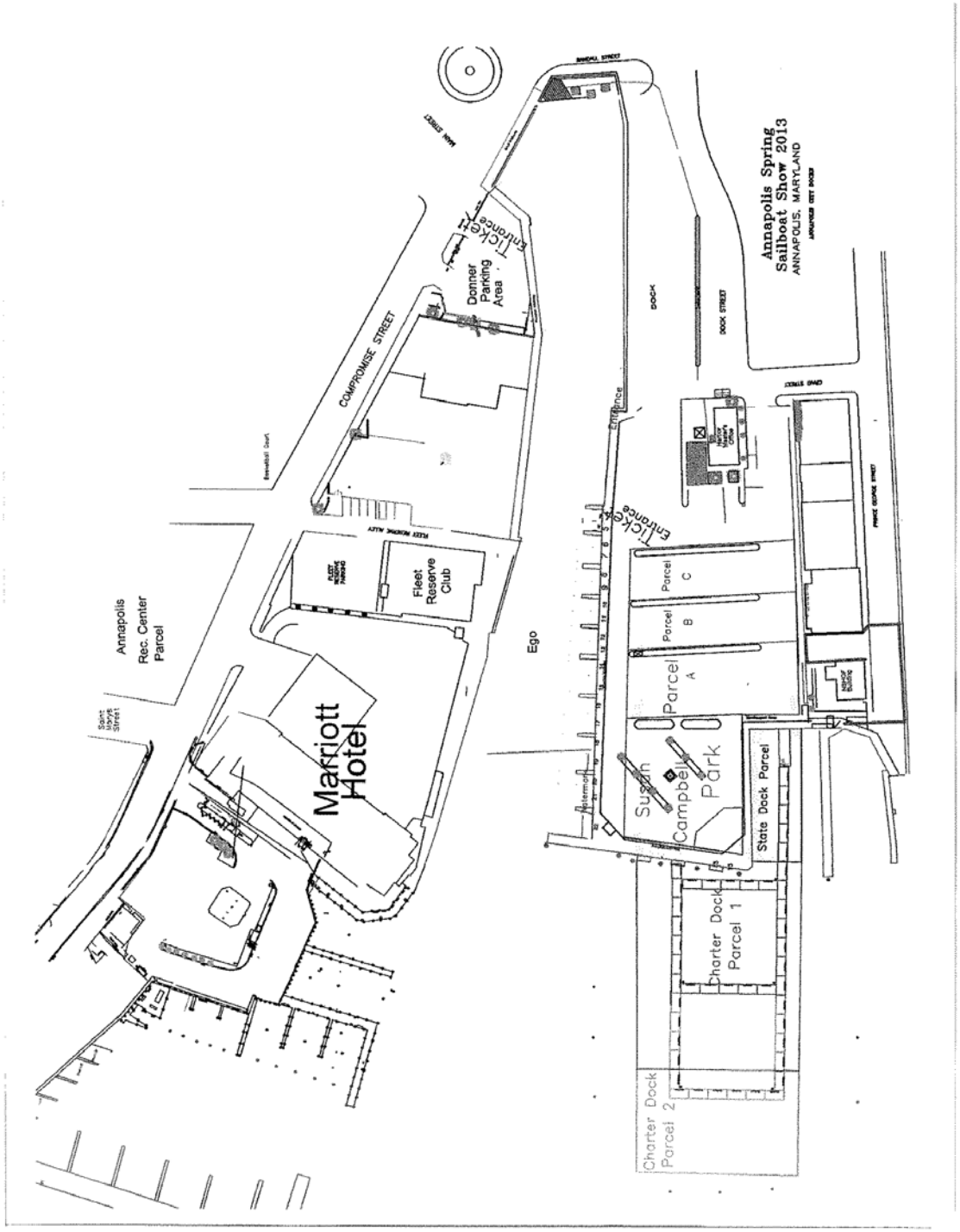
Cruisers University, Inc. trading as Annapolis Spring Sailboat Show

_____ By: _____
Witness C.E. Hartman, President (Seal)

Approved as to form and legal sufficiency:

_____
Karen M. Hardwck, City Attorney

Exhibit A


Annapolis Spring Sailboat Show 2013
ANNAPOLIS, MARYLAND
DOCK
DOCK STREET
Ticket Entrance
Donner Parking Area
COMPROMISE STREET
Ticket Entrance
Entrance
Ego
Annapolis Rec. Center Parcel
Fleet Reserve Club
Marriott Hotel
Parcel C
Parcel B
Parcel A
Susan Campbell Park
State Dock Parcel
Charter Dock Parcel 1
Charter Dock Parcel 2

Staff Paper

O-37-13 - Lease of City Property: Boat Shows in Spring 2014

Pursuant to Article II, Section 8 of the Annapolis City Charter, it is necessary for the City Council to enact an ordinance to authorize a lease of City property. Ordinance O-37-13 would authorize a lease of City property for Spring Boat Shows in April 2014.

The lease would be executed between the City of Annapolis and CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show. Under the terms of the lease, the rent for the various parcels would be:

Charter Dock Parcel 1:	$1,500
Charter Dock Parcel 2:	$500
Ego Alley Parcel:	$2,820
Susan Campbell Parcel	$0
Dock Street Parcel A	$2,000
Dock Street Parcel B	$2,000
Dock Street Parcel C	$2,000
Dock Street Parcel D	$2,000
Donner Parking Parcel	$1,254
Annapolis Rec Center Parcel	$1,000

The Lessee would be required to prepare and submit a transportation plan that includes a parking element to the City of Annapolis Department of Transportation.

Prepared by Jessica Cowles, Legislative and Policy Analyst, City of Annapolis Office of Law, (410) 263-7954 and JCCowles@annapolis.gov.

CITY COUNCIL OF THE

City of Annapolis

ORDINANCE NO. O-38-13

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

AN ORDINANCE concerning

Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries

FOR the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

RECITALS

Pursuant to Ordinance No. O-30-13, adopted on July 22, 2013 ("Ordinance No. O-30-13"), the City of Annapolis (the "City") provided for the issuance of up to $25,000,000 in aggregate principal amount of its general obligation refunding bonds (the "Refunding Bonds") in order to refund the City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005A, in the aggregate principal amount of $18,560,000 (the "Series 2005A Bonds") and its City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005B (the "Series 2005B Bonds" and collectively, with the Series 2005A Bonds, the "Series 2005 Bonds").

The Series 2005 Bonds were issued pursuant to and in accordance with (a) the Tax Increment Financing Act (then Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated Code of Maryland and now recodified as Sections 12-201 to 12-213, inclusive, of the

Economic Development Article of the Annotated Code of Maryland) (the "Tax Increment Financing Act"), (b) Section 44A of Article 23A of the Annotated Code of Maryland (the "Special Tax District Act"), (c) Resolution No. R-8-01 of the City Council (the "City Council") of the City, adopted on May 14, 2001 (the "Original Resolution"), (d) Ordinance No. O-14-01 of the City, adopted on May 14, 2001 ("Ordinance No. O-14-01"), (e) Resolution No. R-22-04 of the City Council, adopted on December 13, 2004 (the "Supplemental Resolution" and collectively with the Original Resolution, the "Resolution") and (f) the Indenture of Trust dated as of February 1, 2005 (the "Indenture") between the City and Manufacturers and Traders Trust Company, as trustee (the "Trustee").

The proceeds of the Series 2005 Bonds were applied as provided in Ordinance No. O-14-01 and the Indenture (a) to finance the costs of a portion of a mixed-use garage containing 680 parking spaces ("Public Garage Unit"), together with related (i) drive aisles, ramps and walkways; (ii) garage roof; (iii) general excavation and miscellaneous site work; (iv) paving and lighting; (v) land; (vi) planning, engineering, architectural, financial consultancy and legal expenses; and (vii) the relocation and construction of certain public utilities and improvement related to the Park Place Development; (b) to make a deposit to the Reserve Fund under the Indenture; (c) to pay a portion of capitalized interest on the Series 2005 Bonds; (d) to pay administrative costs related to the Series 2005 Bonds and the Park Place Development District and Special Tax District, as more particularly described in the Ordinance No. O-14-01 (the "Original District"); and (e) to pay costs of issuing the Series 2005 Bonds.

The Original District was created as a "development district" pursuant to the Tax Increment Financing Act by the Original Resolution, which also established the Original District as a "special taxing district" pursuant to the Special Tax District Act.

On March 14, 2005, the City adopted Ordinance No. O-40-04 ("Ordinance No. O-40-04") in order to add to the Original District four additional parcels of land (the "Additional Parcels") and to exclude from the Original District (but only for the purpose of the Special Tax District Act) certain land (the "Excluded Property"), all to the extent described in, and subject to the provisions of, Ordinance No. O-40-04. The locations of the Original District, the Additional Parcels and the Excluded Property are indicated in Exhibit A hereto.

The Series 2005 Bonds are secured by: (i) the proceeds of tax collections by the City and by Anne Arundel County, Maryland (the "County"), arising from taxation of the increase, if any, in the appraised value of real property located in the Original District, as so modified over an original assessable base exclusive of amounts payable to the State of Maryland (the "Tax Increment Revenues"); (ii) to the extent the Tax Increment Revenues are insufficient, Garage Net Operating Income (as defined in the Indenture) deposited into the Garage Net Operating Income Fund established under the Indenture; and (iii) to the extent that the Tax Increment Revenues and the Garage Net Operating Income deposited into the Garage Net Operating Income Fund are insufficient, the special tax (the "Special Tax") to be levied on the taxable parcels within the Original District, as so modified. The Special Tax shall be levied in any given year only if the Tax Increment Revenues and the Garage Net Operating Income, as adjusted, are insufficient to cover debt service on the Series 2005 Bonds, pay administrative costs related to the Series 2005 Bonds and the Original District, as so modified, or maintain any funds under the Indenture.

However, Ordinance No. O-30-13 adopted on July 22, 2013 ("Ordinance No. O-30-13"), which provides for the issuance of the Refunding Bonds, did not refer to Ordinance No. O-40-04 and the modifications to the Original District made by Ordinance No. O-40-04. Such omission

needs to be corrected so that the "District" for the Refunding Bonds is the same as the "District" for the Series 2005 Bonds for all purposes.

NOW THEREFORE, IN ACCORDANCE WITH THE TAX INCREMENT FINANCING ACT, THE SPECIAL TAXING DISTRICT ACT AND THE REFUNDING ACT, BE IT ENACTED BY THE ANNAPOLIS CITY COUNCIL (THE "CITY COUNCIL"), THAT:

Section 1. (a) The Recitals to this Ordinance (the "Recitals") are deemed a substantive part of this Ordinance and are incorporated by reference herein, and capitalized terms defined in the Recitals and used herein shall have the meaning given to such terms in the Recitals, unless the context clearly requires a contrary meaning.

(b) The words and terms used in this Ordinance that are defined in the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, the Original Ordinance, the Resolution or the Indenture shall have the meanings indicated in the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, Ordinance No. O-14-01, Ordinance No. O-40-04, Ordinance No. O-30-13, the Resolution and the Indenture, as the case may be, unless the context clearly requires a contrary meaning.

Section 2. The Original District shall be modified to (a) include the Additional Parcels for all purposes and (b) exclude the Excluded Property for purposes of computing the Special Tax but not for purposes of computing the Tax Increment Revenues; and all references to "the District" in Ordinance No. O-30-13 shall reflect the Original District as modified hereby, all as indicated in Exhibit A attached hereto. As a result, the District is approximately 12.26 acres, more or less, for purposes of computing the Special Tax and approximately 12.93 acres, more or less, for purposes of computing the Tax Increment Revenues.

Section 3. All references in Ordinance No. O-30-13 to "the Original Ordinance" and "the Resolution" shall include Ordinance No. O-40-04, unless the context clearly indicates a contrary meaning; and all references in Ordinance No. O-30-13 to "this Ordinance" shall include this Ordinance.

Section 4. The provisions of this Ordinance shall be liberally construed in order to effectuate and carry out the purposes of and the activities authorized by the Tax Increment Financing Act, the Special Tax District Act and the Refunding Act and the matters contemplated by Ordinance No. O-30-13 and by this Ordinance.

Section 5. The provisions of this Ordinance are severable, and if any provision, sentence, clause, paragraph or part hereof is held or determined to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, paragraphs or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, paragraph or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

Section 6. This Ordinance shall take effect upon this Ordinance being signed by the Mayor, on or following the date of its passage by the City Council.

ADOPTED this _____ day of _____, 2013.

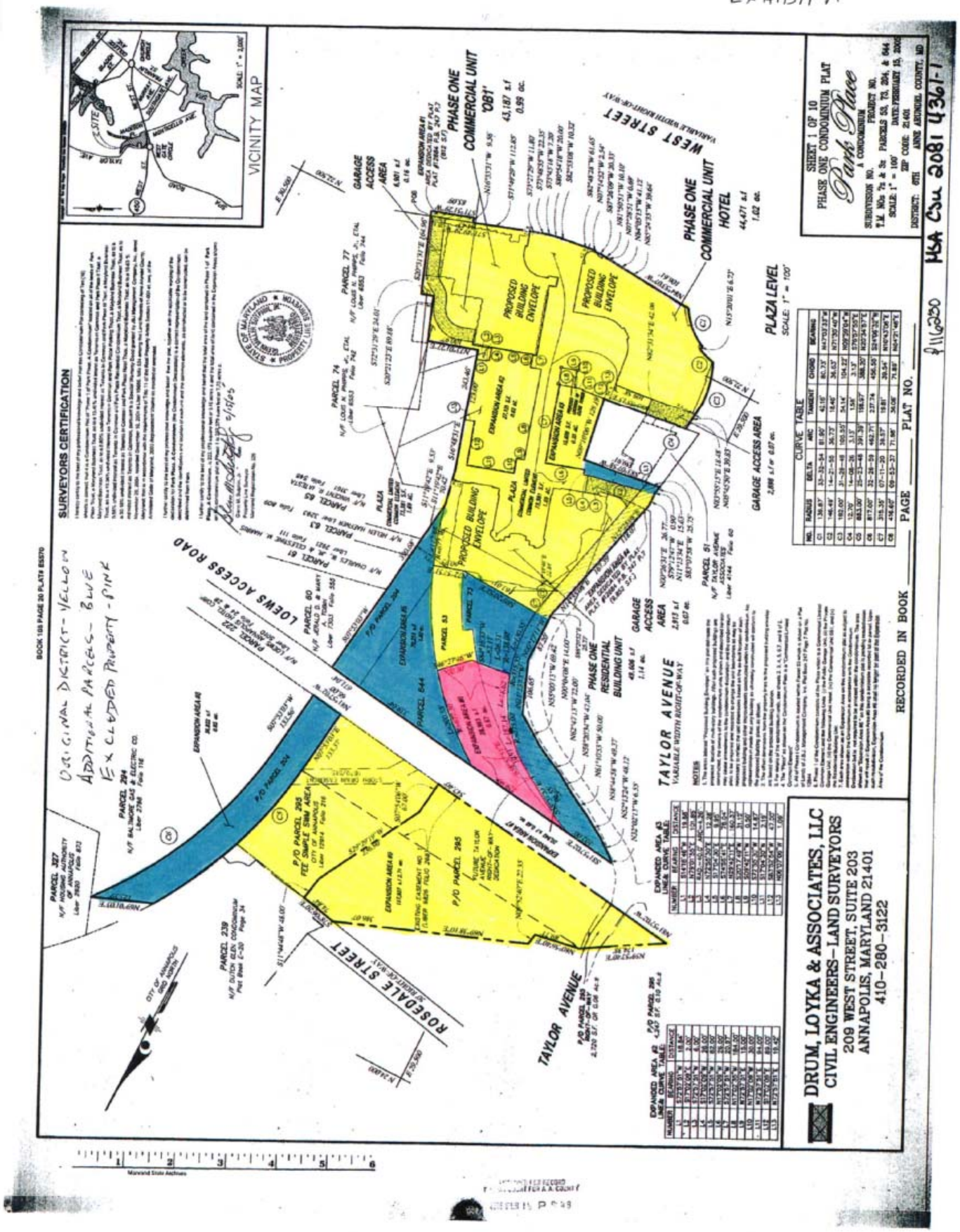
ATTEST:

_____
Regina C. Watkins-Eldridge, MMC,
City Clerk

THE ANNAPOLIS CITY COUNCIL

BY: _____
Joshua J. Cohen, Mayor

EXHIBIT A


VICINITY MAP
SCALE: 1" = 1,000'
SITE
SURVEYORS CERTIFICATION
ORIGINAL DISTRICT - YELLOW
ADDITIONAL PARCELS - BLUE
EXCLUDED PROPERTY - PINK
PHASE ONE COMMERCIAL UNIT "OB1"
43,187 s.f.
0.99 ac.
PHASE ONE COMMERCIAL UNIT HOTEL
44,471 s.f.
1.02 ac.
PHASE ONE RESIDENTIAL BUILDING UNIT
WEST STREET
VARIABLE WIDTH RIGHT-OF-WAY
TAYLOR AVENUE
VARIABLE WIDTH RIGHT-OF-WAY
ROSEDALE STREET
LOEWS ACCESS ROAD
PROPOSED BUILDING ENVELOPE
GARAGE ACCESS AREA
PLAZA LEVEL
SCALE: 1" = 100'
CURVE TABLE
EXPANDED AREA #3 LINE & CURVE TABLE
SHEET 1 OF 10
PHASE ONE CONDOMINIUM PLAT
Park Place
A CONDOMINIUM
SUBDIVISION NO.
PROJECT NO.
T.M. NO. 7a & 8a PARCELS 53, 73, 294, & 644
SCALE: 1" = 100'
DATE: FEBRUARY 15, 2006
ZIP CODE: 21401
DISTRICT: 6TH
ANNE ARUNDEL COUNTY, MD
HSA Csu 2081 4361-1
DRUM, LOYKA & ASSOCIATES, LLC
CIVIL ENGINEERS–LAND SURVEYORS
209 WEST STREET, SUITE 203
ANNAPOLIS, MARYLAND 21401
410–280–3122
RECORDED IN BOOK _____ PAGE _____ PLAT NO. _____
BOOK 103 PAGE 30 PLATS ESSTO

Policy Report

Ordinance O-38-13

Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries

The proposed ordinance would amend Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to Twenty-Five Million Dollars ($25,000,000) aggregate principal amount of general obligation refunding revenue bonds of the City of Annapolis for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B, in order to provide that (a) the Park Place Development District and Special Tax District include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-35-13

Introduced by: Alderman Pfeiffer, Alderman Arnett and Alderwoman Finlayson

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

A RESOLUTION concerning

Re-Activating the State Commission on the Capital City

FOR the purpose of expressing the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

WHEREAS, the State of Maryland established the State Commission on the Capital City (Commission) in 1965 with authorization in the State Government Article of the Annotated Code of Maryland, §9-401 through §9-407; and

WHEREAS, according to the Maryland Manual, "the Commission studies ways to preserve and improve Annapolis as the capital of Maryland, particularly with regard to the location of State, county and municipal offices and buildings. In cooperation with public agencies, the Commission may develop plans for the physical development of Annapolis and adjacent areas, and ensure access to and transportation facilities for them. In addition, the Commission may make recommendations on community needs or projects in Annapolis and adjacent areas, including arterial highways, building codes, economic development, federal and State assistance, housing, industrial and commercial growth, parking facilities, space for public buildings, traffic control, and urban renewal;" and

WHEREAS, Commission membership includes: Martin J. O'Malley, Governor; John C. Astle, State Senator, Dist. 30; Michael E. Busch, Ronald A. George and Herbert H. McMillan, Delegates, Dist. 30; Laura A. Neuman, Anne Arundel County Executive; Joshua J. Cohen, Mayor of Annapolis; Vice Admiral Michael H. Miller, Superintendent, U.S. Naval Academy; and

WHEREAS, there is a need to re-activate the Commission to regularly connect key stakeholders to discuss such topics as: studying/funding City Dock improvements, sea-level rise, the City's current PILOT (payment in lieu of taxes) agreement with the State, and other areas where there is a shared interest; and

WHEREAS, a study or recommendation of the Commission is advisory only and the Commission may not require or compel the adoption or implementation of any recommendation; and

WHEREAS, the Commission (1) may accept money from a private or public agency for use in carrying out the powers and duties of the Commission; and (2) for that purpose, may give the money to a private or public agency or otherwise spend the money.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that it is the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Annapolis City Council recommends that the Governor appoint Christopher B. Nelson, President of St. John's College as Chair of the State Commission on the Capital City.

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City Clerk shall send a copy of this resolution to Martin J. O'Malley, Governor; John C. Astle, State Senator, Dist. 30; Michael E. Busch, Ronald A. George and Herbert H. McMillan, Delegates, Dist. 30; Laura A. Neuman, Anne Arundel County Executive; Vice Admiral Michael H. Miller, Superintendent, U.S. Naval Academy; and Christopher B. Nelson, President, St. John's College.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

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

EXPLANATION

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

Staff Report

R-35-13

Re-Activating the State Commission on the Capital City

The proposed resolution would express the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City in order to regularly connect key stakeholders in order to “study possible ways to preserve and improve Annapolis as the capital of the State,” (State Government Article, §9-406).

FISCAL IMPACT NOTE

Legislation No: R-35-13 **First Reader Date:** 9/9/13
Note Date: 9/4/13

Legislation Title: Re-Activating the State Commission on the Capital City

Description: For the purpose of expressing the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

Analysis of Fiscal Impact: This legislation supports the need to re-activate the Commission to regularly connect key stakeholders to discuss such topics as: studying/funding City Dock improvements, sea-level rise, the City's current PILOT (payment in lieu of taxes) agreement with the State, and other areas where there is a shared interest. The Commission may accept money from a private or public agency for use in carrying out the powers and duties of the Commission; and for that purpose, may give the money to a private or public agency or otherwise spend the money. This expression of support produces no direct fiscal impact to the City.

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-36-13

Introduced by: Alderman Budge

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

A RESOLUTION concerning

Authorizing Two Vendors in the Historic District in Conjunction with the Fall Boat Shows

FOR the purpose of authorizing Uncle Bob's Fudge Kitchen operating at 112 Main Street to sell lemonade and other complimentary food and non-alcoholic beverage items from a stand on the sidewalk in front of its retail store; and Cub Scout Pack 153 to sell popcorn and other complimentary non-alcoholic beverage items in Hopkins Plaza in conjunction with the 2013 Fall Boat Shows.

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

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that Uncle Bob's Fudge Kitchen operating at 112 Main Street is authorized to sell lemonade and other complimentary food and non-alcoholic beverage items from a stand on the sidewalk in front of its retail store; and Cub Scout Pack 153 to sell popcorn and other complimentary non-alcoholic beverage items in Hopkins Plaza in conjunction with the 2013 Fall Boat Shows.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

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

EXPLANATION

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

Staff Report

R-36-13

Authorizing Two Vendors in the Historic District in Conjunction with the Fall Boat Shows

The proposed resolution would authorize Uncle Bob's Fudge Kitchen operating at 112 Main Street to sell lemonade and other complimentary food and non-alcoholic beverage items from a stand on the sidewalk in front of their its store; and Cub Scout Pack 153 to sell popcorn and other complimentary non-alcoholic beverage items in Hopkins Plaza in conjunction with the 2013 Fall Boat Shows.

Prepared by Michelle LeFurge, Special Event Coordinator, at 410-263-7996 and MMLefurge@annapolis.gov.

FISCAL IMPACT NOTE

Legislation No: R-36-13 **First Reader Date:** 9-9-13
Note Date: 9-4-13

Legislation Title: Authorizing Two Vendors in the Historic District in Conjunction with the Fall Boat Shows

Description: For the purpose of authorizing Uncle Bob's Fudge Kitchen operating at 112 Main Street to sell lemonade and other complimentary food and non-alcoholic beverage items from a stand on the sidewalk in front of its retail store; and Cub Scout Pack 153 to sell popcorn and other complimentary non-alcoholic beverage items in Hopkins Plaza in conjunction with the 2013 Fall Boat Shows.

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

CITY COUNCIL OF THE

City of Annapolis

Resolution No. R-37-13

Introduced by: Alderman Budge

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
		Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13	

A RESOLUTION concerning

Waiving a Contractor Parking Fee for the Hammond-Harwood House

FOR the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

WHEREAS, the Hammond-Harwood House is funding the roof work with private funds and a matching federal grant; and

WHEREAS, the Hammond-Harwood House has received no funding from the City of Annapolis; and

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

WHEREAS, Section 6.04.210 D.4. states that the Annapolis City Council may waive fees by resolution.

NOW THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City Council hereby waives a contractor parking fee for the Hammond-Harwood House during roof work on the northeast wing of the historic museum.

ADOPTED this _____ day of _____, ____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

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

EXPLANATION

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

Staff Report

R-37-13

Waiving a Contractor Parking Fee for the Hammond-Harwood House

The proposed resolution would waive a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

Prepared by Jessica Cowles, Legislative and Policy Analyst, with the Office of Law; JCCowles@annapolis.gov or 410-263-7954.

FISCAL IMPACT NOTE

Legislation No: R-37-13 **First Reader Date:** 9-9-13
Note Date: 9-4-13

Legislation Title: Waiving a Contractor Parking Fee for the Hammond-Harwood House

Description: For the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

Analysis of Fiscal Impact: This legislation will have a negative fiscal impact if the City Council waives parking fees. Currently the daily fee per space for transport and contractors is $35.