



City of Annapolis

160 Duke Of Gloucester
Street
Annapolis, MD 21401

Special Minutes - Draft City Council

Monday, March 27, 2017

7:00 PM

Mayor John T. Chambers, Jr.
City Council Chambers

Call to Order

Mayor Pantelides called the meeting to order at 7:07 p.m.

Invocation

Given by Alderwoman Pindell Charles.

Pledge of Allegiance

Led by Mayor Pantelides.

Rollcall

Tonight's roll call began with Alderwoman Pindell Charles.

Present: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Approval of Agenda

Alderman Budge moved to approve the agenda as AMENDED to include:
GA-26-17 State Revitalization Program Application from the State of Maryland,
GA-27-17 Atlantic & Coastal Bays 2010 Trust Fund,
City Council Citations in recognition of National Women's History Month 2017, City Council Citation to Tyler Alexander Stallings; and resolution R-14-17 National Women's History Month 2017 on 1st Reader; to postpone R-12-17 City Sponsored Special Events in Fiscal Year 2018 on second reader until the Special Meeting of the City Council scheduled for Monday, April 24, 2017. Seconded. CARRIED on voice vote.

Ceremonial Items

Proclamation - 150th Anniversary of the Annapolis Police Department

Presented.

City Council Citation to Tyler Alexander Stallings

Presented.

City Council Citation in Recongnition of National Womans Month

Presented.

Legislative Action

First Readers

[R-14-17](#)

National Women's History Month 2017 - For the purpose of recognizing the month of March as National Women's History Month and honoring the contributions of women who have served on the Annapolis City Council and in other important ways for the City of Annapolis.

Sponsors: Kirby, Paone, Arnett, Pfeiffer and Finlayson

Alderman Arnett moved to adopt R-14-17 on first reader. Seconded. CARRIED on voice vote.

Alderwoman Finlayson moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Kirby moved to adopt R-14-17 on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Petitions, Reports and Communications

A. Reports by Committee

Meeting Dates:

Environmental Matters Committee

March 30, 2017, 1:30 PM - 3:00 PM

B. Comments by the General Public

Earl Bradley, 940 Bay Forrest Court, Apt. 301, Annapolis, Maryland 21401 Chair representing the Anne Arundel Sierra Club spoke in favor of O-38-16.

Harold Sherman, 301 Burnside Street, Annapolis, Maryland 21403 spoke in favor of O-38-16.

Rick Kissel, 717 Warren Drive, Annapolis, Maryland 21401 spoke in favor of O-38-16.

Alexus Viegas, 8 Edgewood Green Court, Annapolis, Maryland spoke in favor of R-12-17.

Chris Mossburg, Annapolis Resident, spoke on Title 2, of the Americans Disabilities Act, the Department of Justice, Private Law Suites in Federal Courts.

Elaine Lutz, 6 Herndon Avenue, Annapolis, Maryland 21403 representing the Chesapeake Bay Foundation Spoke in Favor of O-38-16.

John Butler, 407 Third Street, Annapolis, Maryland 21403 spoke in favor of O-38-16.

Paul Murphy, 105 Northwest Street, Annapolis, Maryland 2140 spoke in favor of O-38-16.

Ben Alexandro, 40 West Street, Suite C, Annapolis, Maryland 21401 representing Maryland League of Women Voters spoke in favor of O-38-17.

Tom Zolper, 789 B Fairview Avenue, Annapolis, Maryland 21401 spoke in favor of O-38-16.

Forrest Mays, 264 Masque Farm Road, Annapolis, Maryland 21401 spoke in favor of O-38-16.

Rob Savidge, 12 Wind Whisper Lane, Annapolis, Maryland 21401 spoke in favor of O-38-16.

Kurt Reigel, 307 A Monterey Avenue, Annapolis, MD 21401 spoke in favor of O-38-16.

Natalie Powel, Eastport Resident, Annapolis, Maryland 21403 spoke in favor of O-38-16.

C. Update From the Mayor

*Ribbon Cutting for Browns Mustang Coffee & Old Fox Book Store
Four Rivers and Maryland Day
150 Anniversary of the Annapolis Police Department.
The Governors's Tour of the Police Department
Sock Burning
Retirees from the Fire Department*

Consent Calendar

Approval of the Consent Calendar

A motion was made by Alderman Paone to approve the Consent Calendar. The motion carried:unanimously

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

First Readers

O-18-17

Personal Care Establishments in the PM District - For the purpose of removing restrictions on the operation of a personal care establishment in the PM, Professional Mixed Office zoning district.

Sponsors: Paone

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Mayor Pantelides referred O-18-17 to the Planning Commission.

Mayor Pantelides referred O-18-17 to the Rules & City Government Committee.

O-19-17

Removing Dock and Market House Enterprise Funds - For the purpose of removing the requirement that the annual budget shall contain separate Dock and Market House enterprise fund groups.

Sponsors: Budge

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Mayor Pantelides referred O-19-17 to the Finance Committee.

Second Readers

O-7-17

Removing Archwood and Smith from Parking District 3 - For the purpose of removing certain blocks of Archwood Avenue and Smith Avenue from Special Residential Parking District 3.

Sponsors: Budge

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

[O-9-17](#)

Lease of City Property: Fall 2021-2026 Boat Shows - For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for certain periods of time from 2021 to 2026, to conduct boat shows.

Sponsors: Pantelides, Budge, Littmann, Finlayson and Pindell Charles

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

[R-11-17](#)

Itinerant Merchant Sales in the Historic District - 2017 - For the purpose of authorizing hawker, peddler, and itinerant merchant sales in the Historic District in conjunction with certain special events during calendar year 2017.

Sponsors: Budge

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

End of Consent Calendar

Business and Miscellaneous

[GT-9-17](#)

Transfer from Salaries, Benefits, Rent & Leases, Vehicle Replacement Transfer to Purchase of a Patrol Boat

Alderman Littmann moved to postpone GT-9-17 until the Regular Meeting on April 3, 2017. Seconded. CARRIED on voice vote.

Mayor Pantelides referred Budget Revision Request GT-9-17 to the Economic Matters Committee.

[GA-26-17](#)

State Revitalization Program Application- Community Legacy

Alderman Pfeiffer moved to approve GA-26-17. Seconded. CARRIED on voice vote.

[GA-27-17](#)

Atlantic & Coastal Bays 2010 Trust Fund

Alderman Pfeiffer moved to approve GA-27-17. Seconded. CARRIED on voice vote.

Public Hearings

[O-14-17](#)

Lease of City Property to Chesapeake Marine Tours, Inc. - For the purpose of authorizing a lease of certain municipal property located in the City

Dock in Annapolis, Maryland to Chesapeake Marine Tours, Inc. for certain periods of time from FY2023 to 2027.

Sponsors: Pantelides, Budge, Littmann, Finlayson, Pfeiffer and Pindell Charles

Debbie Gosselin, 980 Awald Road, Annapolis, Maryland 21403 spoke in favor of O-14-17 representing Watermark.

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

Mayor Pantelides declared the public hearing on O-14-17 closed.

O-16-17

Market House Tenant Solicitation - For the purpose of establishing a public process for selecting a Market House tenant.

Sponsors: Budge

Spoke on:

Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401.

Spoke in favor of:

Pat Zeno, 57 Cornhill Street, Annapolis, Maryland 21401.

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

Mayor Pantelides declared the public hearing on O-16-17 closed.

O-17-17

Market House Amendments - For the purpose of amending the Market House policy to reflect a tenant and sub-tenant relationship, clarifying Market House product and service policies, and removing the requirement for an enterprise fund.

Sponsors: Budge

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

Mayor Pantelides declared the public hearing on O-17-17 closed.

Legislative Action

Second Readers

CA-1-17

Collection of Taxes - For the purpose of removing the 3-year limit for the City to collect property taxes; authorizing collection of taxes in the manner prescribed by the Annotated Code of Maryland; and removing the 3-year bar to recovery for taxes not timely collected.

Sponsors: Pantelides

Alderman Arnett moved to adopt CA-1-17 on second reader. Seconded. CARRIED on voice vote.

Alderman Arnett moved to adopt CA-1-17 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

[O-38-16](#)

Forest Conservation Reforestation - For the purpose of prohibiting certain development projects from cutting or clearing certain forests within the City of Annapolis unless the applicant offsets that loss with newly planted acreage; and providing for an appeal process.

Sponsors: Littmann, Arnett, Paone, Pindell Charles and Pantelides

Planning and Zoning Director Gutwald was present and answered questions from council. Office of Environmental Policy Director Broadbent was present and answered questions from council.

Alderman Littmann moved to adopt O-38-16 on second reader. Seconded.

**Alderman Arnett moved to amend O-38-16 as follows:
Littmann Revised Proposed Amendments,**

AMENDMENT #1

Page 8, lines 8-9, remove strike out and retain language as follows: “the formula set forth below and in subsection (a)(3) of this section”

AMENDMENT #2

**Page 8, line 14 through 27, remove strike-out and revise language as follows:
“3. Calculations.**

- i. For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area above the applicable forest conservation threshold, the area of the forest removed shall be reforested at a ratio of ¼1 acre planted for each acre removed.**
- ii. Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under (3)(i) of this subsection. The calculation of the credit shall be according to the criteria provided in the forest conservation technical manual.**
- iii. For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.”**

AMENDMENT #3

Page 8, line 12, in the Table under items (5) and (6), in column “Threshold Percentage” strike “15” and insert “20” percent.

AMENDMENT #4

Page 1, line 32, insert “21.71.080” before “21.71.090”

Page 7, line 35 insert Section 21.71.080 amended as follows:

“21.71.080 - Afforestation and retention.

A. Afforestation Requirement. A person submitting an application after the effective date of this chapter for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of forty thousand square feet or greater, shall:

- 1. Conduct afforestation on the lot or parcel in accordance with the following:**
 - i. A tract having less than twenty percent of the net tract area in forest cover shall be afforested up to at least twenty percent of the net tract area for the following land use categories:**
 - a. Agriculture and resource areas, and**

- b. Medium density residential areas;
 - ii. A tract with less than fifteenTWENTY percent of its net tract area in forest cover shall be afforested up to at least fifteenTWENTY percent of the net tract area for the following land use categories:
 - a. Institutional development areas,
 - b. High density residential areas,
 - c. Mixed use and planned unit development areas, and
 - d. Commercial and industrial use areas;
- 2. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in Subsection A.1. of this section:
 - i. The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and
 - ii. Forest cut or cleared below the required afforestation level shall be reforested or afforested at a two to one ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

B. Retention.

- 1. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:
 - i. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes and their buffers, nontidal wetlands, and critical habitats.
 - ii. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.
- 2. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a variance in accordance with Section 21.71.170 of this chapter:
 - i. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
 - a. The Federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531—1544 and in 50 C.F.R. 17,
 - b. The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2a-01—10-2a-09, Annotated Code of Maryland, and
 - c. COMAR 08.03.08;
 - ii. Trees that:
 - a. Are part of a site designated as historic by the Maryland Historic Trust, the National Park Service, or the City of Annapolis,
 - b. Are associated with a structure designated as historic by the Maryland Historic Trust, the National Park Service, or the City of Annapolis, or
 - c. Have been designated by the State, County, or the Department as a National, State, County or Municipality champion tree; and
 - iii. Any tree:
 - a. Having a DBH of thirty inches or more, or
 - b. Which has been designated as a significant tree pursuant to this chapter.”.

Seconded. CARRIED on voice vote.

Alderman Arnett moved to amend O-38-16 as follows:

Littmann Revised Proposed Amendments,

AMENDMENT #5

Page 1, line 33, insert “21.71.100”

Page 8, line 29 insert Section 21.71.100 amended as follows:

“21.71.100 - Priorities and time requirements for afforestation and reforestation.

A. Sequence for Afforestation and Reforestation.

- 1. After techniques for retaining existing forest on the site have been exhausted, the

preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:

- i. Forest creation in accordance with a forest conservation plan using one or more of the following:
 - a. Transplanted or nursery stock,
 - b. Whip or seedling stock, or
 - c. Natural regeneration where it can be adequately shown to meet the objective of the Forest Conservation Technical Manual;
- ii. In a municipal corporation with a tree management plan and in an existing population center designated in a county master plan that has been adopted to conform with the Economic Growth, Resource Protection, and Planning Act of 1992, or in any other designated area approved by the Department, the use of:
 - a. Street trees as a permissible step in the priority sequence for afforestation or reforestation and with a mature canopy coverage may be granted full credit as a mitigation technique, and
 - b. Acquisition of an offsite protection easement on existing forested areas **WITHIN THE CITY BOUNDARIES** not currently protected in perpetuity as a mitigation technique, in which case the afforestation or reforestation credit granted may not exceed fifty percent of the area of forest cover protected;
 - iii. When all other options, both onsite and offsite, have been exhausted, landscaping as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least thirty-five feet wide and covering at least two thousand five hundred square feet of area.
2. A sequence other than the one described in Subsection A.1. of this article may be used for a specific project, if necessary, to achieve the objectives of the City Land Use Plan or City Land Use Policies, or to take advantage of opportunities to consolidate forest conservation efforts.
3. The following are considered a priority for afforestation and reforestation:
 - i. Those techniques that enhance existing forest by selective clearing or supplemental planting onsite;
 - ii. Onsite afforestation and reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection A.6. of this section, and the location being selected in accordance with this subsection.
 - iii. Offsite afforestation or reforestation in the same watershed **WITHIN THE CITY BOUNDARIES** or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative onsite exists, or where:
 - a. Any onsite priority areas for afforestation or reforestation have been planted in accordance with this subsection; and
 - b. The applicant has justified to the Department's satisfaction that environmental benefits associated with offsite afforestation or reforestation exceed those derived from onsite planting.
4. In the cases cited in Subsection A.3. of this section, the method shall be selected in accordance with Subsection A.6. of this section and the location shall be selected in accordance with Subsection A.3. of this section.
5. Offsite afforestation or reforestation may include the use of forest mitigation banks **WITHIN THE CITY BOUNDARIES** which have been so designated in advance by the Department.
6. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:
 - i. Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least fifty to one hundred feet to prevent activity causing a detrimental effect to the waterway as determined by the director;
 - ii. Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of three hundred feet in width to facilitate wildlife movement;

- iii. Establish or enhance forest buffers adjacent to critical habitats where appropriate;
 - iv. Establish or enhance forested areas in the 100-year floodplains;
 - v. Establish plantings to stabilize slopes of twenty-five percent or greater and slopes of fifteen percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;
 - vi. Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
 - vii. Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
 - viii. Use native plant materials for afforestation or reforestation, when appropriate.
7. A person required to conduct afforestation or reforestation under this chapter shall accomplish it within one year or two growing seasons, whichever is a greater time period, following development project completion.”

Seconded. CARRIED on voice vote.

Alderman Arnett moved to adopt O-38-16 as amended on second reader. Seconded. CARRIED on voice vote.

Alderwoman Finlayson requested the record reflect her abstention from the vote.

Aye: 7 - Mayor Pantelides, Alderman Paone, Alderwoman Pindell Charles, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Nay: 1 - Alderman Budge

Abstain: 1 - Alderwoman Finlayson

Alderman Littmann moved to adopt O-38-16 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 7 - Mayor Pantelides, Alderman Paone, Alderwoman Pindell Charles, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Abstain: 2 - Alderman Budge and Alderwoman Finlayson

O-10-17

Lease of City Property: Spring 2021-2026 Boat Shows - For the purpose of authorizing a lease of certain municipal property located at the City Dock, surrounding areas and boat moorings in Annapolis, Maryland as more fully described in the Lease Agreement with Cruisers University, Inc., t/a Annapolis Spring Sailboat Show, for certain dates in 2021 through 2026, to conduct boat shows.

Sponsors: Pantelides, Budge, Littmann, Finlayson and Pindell Charles

Alderman Arnett moved to adopt O-10-17 on second reader. Seconded.

Alderman Paone moved to amend O-10-17 as follows:
Economic Matters Proposed Amendments

AMENDMENT #1

Page 11, line 8, strike “April” insert “NOVEMBER”; line 16 strike “April” and insert “NOVEMBER”

AMENDMENT #2

Page 12, line 45, strike “August” insert “APRIL” . Seconded. CARRIED on voice vote.

Alderman Paone moved to adopt O-10-17 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Littmann moved to adopt O-10-17 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

[O-12-17](#)

Compensation of the Mayor, Aldermen/Alderwomen and City Manager - For the purpose of specifying compensation and allowances to be paid to the Mayor and Aldermen/Alderwomen for the term of office commencing on the first Monday in December, 2017; and for specifying compensation and allowances to be paid to the City Manager.

Sponsors: Pantelides

Alderman Arnett moved to adopt O-12-17 on second reader. Seconded.

**Alderman Budge moved to amend O-12-17 as follows:
Finance Committee Amendment 3/27/17,**

Amendmen t#1

On page 5, in lines 8 & 9, strike: July1, 2017, and insert: AT THE BEGINNING OF THE NEXT COUNCIL TERM. Seconded. CARRIED on voice vote.

**Alderman Budge moved to amend O-12-17 as follows:
Budge Amendment**

Amendment # 1

On page 3, in line 9, Un-strike: "thirteen thousand five hundred and strike: "FIFTEEN THOUSAND".. A roll call vote was taken. The motion DEFEATED by the following vote:

Aye: 5 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles and Alderman Littmann

Nay: 4 - Alderwoman Finlayson, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Alderman Budge moved to adopt O-12-17 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Budge moved to adopt O-12-17 on third reader. Seconded. A roll call vote was taken. The motion was DEFEATED by the following vote:

Aye: 4 - Mayor Pantelides, Alderman Budge, Alderman Paone and Alderwoman Pindell Charles

Nay: 4 - Alderwoman Finlayson, Alderman Littmann, Alderman Kirby and Alderman Pfeiffer

Abstain: 1 - Alderman Arnett

Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:41 p.m.

**Regina C. Watkins-Eldridge, MMC
City Clerk**