



City of Annapolis

160 Duke Of Gloucester
Street
Annapolis, MD 21401

Regular Minutes - Final City Council

Monday, February 9, 2015

7:00 PM

Mayor John T. Chambers, Jr.
City Council Chambers

Call to Order

Mayor Pantelides called the meeting to order at 7:00 p.m.

Invocation

Given by Alderman Arnett.

Pledge of Allegiance

Led by Mayor Pantelides.

Roll Call

Tonight's roll call began with Alderman Pfeiffer.

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

Closed Session Statement:

This was reported pursuant to the requirement of the Annotated Code of Maryland, General Provisions Article § 3-305. Closed Sessions, (b) (1) (ii) and (b) (7) this statement is included in these minutes:

A closed session of the City Council was held at 6:00 p.m., Monday, February 9, 2015 at 6:00 p.m. in the Mayor John T. Chambers, Jr, City Council Chambers located at 160 Duke of Gloucester Street, Annapolis, Maryland 21401.

Present:

Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Finlayson, Aldermen Littmann, Pfeiffer and Arnett

Staff Present:

City Manager Andrews, City Attorney Leahy, Assistant City Attorney Elson

A roll call vote was taken by the members present, and the session was closed.

The authority under which the session was closed was the Annotated Code of Maryland, General Provisions Article § 3-305. Closed Sessions, (b) (1) (ii) and (b) (7)

The topic of the meeting was a personnel Matter.

There were no actions taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 6:46 p.m.

Approval of Agenda

Alderman Budge moved to approve the agenda as amended to **WITHDRAW**
O-6-15 ALCOHOLIC BEVERAGES - Doors, Entrances & Exits on 1st Reader .

Seconded. CARRIED on voice vote.

Approval of Journal of Proceedings

[CCM011215](#) Approval of the Regular Meeting Minutes

Attachments: [January 12, 2015.pdf](#)

Alderman Budge moved to approve the Regular Meeting Minutes of January 12, 2015. Seconded. CARRIED on voice vote.

[CCM011515](#) Approval of Special Meeting Minutes

Attachments: [January 15, 2015.pdf](#)

Alderman Budge moved to approve the Special Meeting Minutes of January 15, 2015. Seconded. CARRIED on voice vote.

[CCM012615](#) Approval of the Special Meeting Minutes

Attachments: [January 26, 2015.pdf](#)

Alderman Budge moved to approve the Special Meeting Minutes January 26, 2015. Seconded. CARRIED on voice vote.

Ceremonial Items

[ID-33-15](#) City Council Citation - Pat Montague
"Annapolis Drum and Bugle Corps"

Attachments: [ID-33-15.pdf](#)

This Informational Item was reported

[ID-53-15](#) Martha Wood Leadership Award -
"Eastport United Methodist Church"

Attachments: [ID-53-15 EastportUnitedMethodistChurchRecommendation.doc](#)
[ID-53-15 Citation.doc](#)

This Informational Item was reported

[ID-56-15](#) City Council Citation - Marcia Patrick
Acting Director of the Public Works Department

Attachments: [ID-56-15 PatrickCitation.doc](#)

This Informational Item was reported

[ID-59-15](#) Preservation of Annapolis Historic Signs on West Street -
Donation of \$1,500 and Challenge by the Inner West Street Association, Inc.

This Informational Item was reported.

Petitions, Reports and Communications

A. Reports by Committee

Standing Committee Meeting Dates:

Environmental Matters joint meeting with Rules and City Government -

Tuesday, February 10, 2015 | 4:00pm - 5:30pm

Rules and City Government - Tuesday, February 10, 2015 | 4:00pm - 5:30pm

Public Safety Committee - Wednesday, February 11, 2015 | 5:00pm - 6:30pm

Economic Matters Committee - Wednesday, February 11, 2015 | 6:30pm - 8:00pm

Environmental Matters Committee - Thursday, February 12, 2015 | 1:30pm - 3:00pm

Transportation Committee - Thursday, February 12, 2015 | 5:30pm - 6:30pm

B. Comments by the General Public

William Sanders, Mayor Town of Highland Beach, 3243 Walnut Drive, Highland Beach, Maryland 21403 spoke on development, proper land use, the Forrest Conservation Act, ecosystem services, trees and water ways along Forest Drive.

Zora Lathan, 3243 Walnut Drive, Highland Beach, Maryland 21403 spoke on on development and legal requirement of the Forest Conservation Act, licensing and new tax revenue, huge amounts of money O-32-14.

Gerald Winegrad, 1328 Washington Drive, Oyster Harbor, Maryland 21401 spoke on the State Forest Conservation Act, Robert Savidge, and outside investigation, Forest Technical Manual, pending projects, and priority suspending projects.

Kurt Riegel, 307 A Monterey Avenue, Annapolis Maryland 21401 spoke on City Departments, applicants for permits, Crystal Springs, procedures and public input, the office of law not serving the citizens of Annapolis, Forrest Conservation Act

Valerie Casqsanto, 980 Awald Road, Annapolis, Maryland 21403 representing the Friends of Crystal Springs Farm spoke on over development.

Bill Kardash, 1 Action Place, Annapolis, Maryland 21401 representing Annapolitians for a Better Community spoke on the budget, the proposed 8 million dollar short fall in the budget, a possible property tax increase, employees salaries and benefits, debt service, FICA and payroll costs, County Executive Schuh's Transition Team.

Peter Holden, 1129 Mainsail Drive, Annapolis, Maryland 21403 spoke on downtown shops, the Parole Center, the environment, the City's Environmental Review Process and the Crystal Springs Development.

Robert Savidge, 12 Windwhisper Lane, Annapolis, Maryland 21403 spoke on his recommendations to bring projects into compliance, transparent violations, the reserve at Quiet Waters and the Forrest Conservation Technical Manuel.

Lee Caudle, 901 Primrose Road, Annapolis, Maryland 21403 spoke on the consideration of creating a business impact study.

Mayor Pantelides closed petitions, reports and communications.

Public Hearings**O-1-15**

Lease of City Property to George Bowling - For the purpose of approving a lease between the City of Annapolis and George Bowling for the City-owned building located at 270 Defense Highway, Annapolis, Maryland; and all other related matters.

Sponsors: Pantelides

Attachments: [O-1-15 CityEngineer'sHouse.docx](#)
[O-1-15 - 270 DefenseHwy \(Bowling\) Lease Agmt.doc](#)
[O-1-15 Exhibit B.JPG](#)
[O-1-15 Staff Report.docx](#)
[O-1-15 DPW Staff Report.doc](#)
[O-1-15 Fiscal Impact Note.pdf](#)

Spoke on:

Stan Newquist, 5 Hill Street, Annapolis, Maryland 21401 representing his brother George Bowling.

George Bowling, 270 Defense 21 Highway, Annapolis, Maryland 21401

The public hearing on O-1-15 was declared closed.

O-2-15

Lease of City Dock Space to Chesapeake Marine Tours - For the purpose of authorizing for fiscal year 2021 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.

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

Attachments: [O-2-15 Chesapeake Marine Tours.doc](#)
[O-2-15 Staff Report.doc](#)
[O-2-15 Fiscal Impact Note.pdf](#)

The public hearing on O-2-15 as declared closed.

Aldерwoman Pindell Charles requested her name be added as a sponsor to O-2-15.

O-4-15

Building Permits - For the purpose of removing the Five Hundred Dollar construction project value requirement for the issuance of certain permits.

Sponsors: Pantelides

Attachments: [O-4-15 Building Permits.docx](#)
[O-4-15 CityManagerMemo.doc](#)
[O-4-15 New Permit chart.doc](#)
[O-4-15 Staff Report.docx](#)
[O-4-15 Fiscal Impact Note.pdf](#)
[O-4-15 Budge Amendment.docx](#)

*DNEP Director Broadbent gave a brief presentation and answered questions from council.
Chief of Code Enforcement Manassas was also present and answered questions form council.*

The public hearing on O-4-15 was left OPEN until the Regular Meeting of March 23, 2015.

O-5-15

Floodplain Management in the City of Annapolis - For the purpose of amending certain sections of Chapter 17.11 of the Annapolis City Code to comply with updates to new Flood Insurance Rate Maps delineated by the Federal Emergency Management Agency; and all other matters generally relating to floodplain management in the City of Annapolis.

Sponsors: Pantelides

Attachments: [O-5-15 Annapolis Floodplain Code for 2015.doc](#)
[O-5-15 Staff Report.docx](#)
[O-5-15 Fiscal Impact Note.pdf](#)
[O-5-15 Supplemental Information from DNEP](#)

The public hearing on O-5-14 was declared closed.

Legislative Action

A. Second Readers

O-31-14

Technical Corrections to the Zoning Code- For the purpose of amending sections of Title 2, Title 20, and Title 21 to be consistent with the Land Use Article of the Annotated Code of Maryland.

Sponsors: Budge

Attachments: [O-31-14 Staff Report](#)
[O-31-14 PC Findings.pdf](#)
[O-31-14 PC Staff Report.pdf](#)
[O-31-14 PC Proposed 21.34 Amendment.pdf](#)
[O-31-14 Technical Corrections to the Zoning Code](#)
[O-31-14 Fiscal Impact Note.pdf](#)
[O-31-14 Rules Committee Amendment.docx](#)
[O-31-14 Hyatt Letter 12,22,14.PDF](#)
[O-31-14 P&Z Table.pdf](#)
[O-31-14 BudgeAmendments 5 Feb 2015.docx](#)
[O-31-14AmendedSIGNED.pdf](#)

Alderman Budge moved to adopt on second reader. Seconded.

**Alderman Budge moved to amend O-31-14 as follows: Language was inadvertently left out of legislation. Explanation of change:
Zoning Map Amendments in 21.34.040 Planning Commission review criteria and findings. Requires the findings for map amendments state in writing how the amendment is based on consistency with comprehensive plan**

Chapter 21.34 ZONING MAP AMENDMENTS

21.34.040 Planning Commission review criteria and findings.

The Planning Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property to a more restrictive district than that requested by the applicant. FOR SECTIONAL AND COMPREHENSIVE ZONING MAP AMENDMENTS THE PLANNING COMMISSION SHALL MAKE WRITTEN FINDINGS BASED UPON THE EVIDENCE PRESENTED TO IT IN EACH SPECIFIC CASE THAT THE AMENDMENT IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN. FOR LOCAL MAP AMENDMENTS, [T] The Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

A.

Existing

B.

uses and zoning classification of properties within the general area of the property that is the subject of the application.

C.

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

D.

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

E.

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

F.

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

G.

The relationship of the proposed amendment to the City's Comprehensive Plan AND ITS CONSISTENCY WITH THE COMPREHENSIVE PLAN. Seconded. CARRIED on voice vote.

Alderman Budge moved to amend O-31-14 as follows: Amendment #1 - Section 21.10.020 (E)

E. Notice of Decision. Notice of any decision on the application by the Planning and Zoning Director or the decision making body, must be given to all persons who provided comments THE APPLICANT, THE MAYOR AND CITY COUNCIL, AND ANY OTHER PERSONS WHO MADE WRITTEN COMMENTS or testified AT A HEARING concerning the application, PROVIDED THEY INCLUDED THEIR LEGAL NAME AND VALID MAILING ADDRESS OR VALID EMAIL ADDRESS. Such notice of decision shall be by mail OR EMAIL and provided by the Planning and Zoning Director not more than three FIVEdays following the date of final decision.

Amendment #2 - Section 21.28.050 (D) D. The alleged difficulty or hardship has not been created by the ANY present owner or any previous owners of the property IS CAUSED BY THIS TITLE AND HAS NOT BEEN CREATED BY ANY PERSONS PRESENTLY HAVING AN INTEREST IN THE PROPERTY, WHETHER INDIVIDUAL OR ENTITY, TO WHOM OR TO WHICH THE PROPERTY HAS BEEN TRANSFERRED FOR FAIR MARKET VALUE, FOR OTHER ADEQUATE OR SUFFICIENT CONSIDERATION, OR AS A RESULT OF INHERITANCE OR COURT ORDER. Seconded. CARRIED on voice vote.

Alderman Budge moved to amend O-31-14 Amendment 1 – Section 21.08.030(E)

Page 8, lines 24 through 28 shall be amended as follows:

7. THE PLANNING COMMISSION SHALL PROVIDE WRITTEN FINDINGS FOR EVERY APPLICATION DECISION UNDER THIS TITLE. THE APPLICATION SHALL BE APPROVED ONLY IF A THE MAJORITY OF THE MEMBERS OF THE PLANNING COMMISSION EACH FIND THAT ALL OF THE NECESSARY REVIEW CRITERIA HAVE BEEN MET.

8. FOR APPLICATIONS UNDER 21.08.030(E)3 OF THIS TITLE, THE PLANNING COMMISSION SHALL GRANT OR DENY APPLICATIONS BASED ON WHETHER THEY SATISFY ALL THE STANDARDS IMPOSED BY 21.24.090. THE COMMISSION MAY CONSIDER EACH STANDARD INDIVIDUALLY BUT SHALL ONLY VOTE ON THE APPLICATION AS A WHOLE.

Amendment 2 – Section 21.08.040(E)

Page 9, lines 33 through 37 shall be amended as follows:

7. THE BOARD OF APPEALS SHALL PROVIDE WRITTEN FINDINGS FOR EVERY APPLICATION DECISION UNDER THIS TITLE. THE APPLICATION SHALL BE APPROVED ONLY IF A THE MAJORITY OF THE MEMBERS OF THE BOARD OF APPEALS EACH FIND THAT ALL OF THE NECESSARY REVIEW CRITERIA HAVE BEEN MET.

8. FOR APPLICATIONS UNDER 21.08.040(E)2-4 OF THIS TITLE, THE BOARD OF APPEALS SHALL GRANT OR DENY APPLICATIONS BASED ON WHETHER THEY SATISFY ALL THE STANDARDS IMPOSED BY THIS CODE. THE BOARD MAY CONSIDER EACH STANDARD INDIVIDUALLY BUT SHALL ONLY VOTE ON THE APPLICATION AS A WHOLE.

Amendment 3 – Section 21.34.050 The City Council shall make findings of fact in each specific case including, but not limited to, the criteria set forth above in Section 21.34.040 AND ANY ADDITIONAL CRITERIA IT DETERMINES ARE RELEVANT AND APPROPRIATE. Seconded. CARRIED on voice vote.

Alderman Budge moved to adopt O-31-14 as amended on 2nd reader. Seconded. CARRIED on voice vote.

Alderman Budge moved to adopt O-31-14 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

B. First Readers

R-2-15

Alcoholic Beverages - Election Days - For the purpose of expressing the sense of the City Council concerning a proposed amendment to Article 2B, Section 11-401(b) of the Annotated Code of Maryland.

Sponsors: Budge, Pfeiffer, Finlayson, Littmann and Paone

Attachments: [R-2-15 Alcoholic Beverages on Election Days.docx](#)
[R-2-15 Staff Report.docx](#)
[SB-89 City Council](#)
[R-2-15 Signed.pdf](#)

Spoke on the resolution:

Charles Ferrar, 111 Hillsmere Drive, Annapolis, Maryland 21403 representing Bay Ridge Wine & Spirits.

Alderman Littmann moved to adopt R-2-15 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 Paone moved to adopt R-2-15 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

R-3-15

The Parking Authorities Act - For the purpose of respectfully requesting that the Maryland General Assembly amend Section 18-103 of the Local Government Article of the Annotated Code of Maryland so that the Parking Authorities Act shall be applicable to the City of Annapolis.

Sponsors: Pantelides

Attachments: [R-3-15 Parking Authority.doc](#)
[R-3-15 Staff Report.docx](#)
[R-3-15 Fiscal Impact Note.pdf](#)

Alderman Arnett moved to adopt R-3-15 on first reader. Seconded. CARRIED on voice vote.

**** Public Hearing Requested****

This Resolution was referred to the Finance Committee.

This Resolution was referred to the Rules & City Government Committee.

This Resolution was referred to the Transportation Committee.

This Resolution was referred to the Transportation Board.

R-4-15**The Annotated Code of Maryland Public Utilities Article**

Definitions of Taxicab and Provision of Taxicab Services - For the purpose of respectfully requesting that the Maryland General Assembly amend Sections 1-101 and 10-101 of the Public Utilities Article of the Annotated Code of Maryland to incorporate the use of a software application, digital wireless network or digital telecommunications capable device in the context of regulating the provision of taxicab services in the City of Annapolis.

Sponsors: Pantelides and Budge

Attachments: [R-4-15 State Taxicab Definitions.doc](#)
[R-4-15 Staff Report.docx](#)

Alderman Arnett moved to adopt R-4-15 on first reader. Seconded. CARRIED on voice vote.

This Resolution was referred to the Public Safety Committee.

This Resolution was referred to the Transportation Committee.

This Resolution was referred to the Transportation Board.

O-6-15

ALCOHOLIC BEVERAGES - Doors, Entrances & Exits - For the purpose of removing the requirement that all licensed establishments must keep their doors, entrances and exits closed at all times pursuant to Chapter 7.12 of the Annapolis City Code.

Sponsors: Budge

Attachments: [O-6-15 ABCB Open Door Policy.docx](#)
[O-6-15 Staff Report.docx](#)

Alderman Budge moved to withdraw O-6-15 without objection. Seconded. CARRIED on voice vote.

Business and Miscellaneous

GT-12-15 Public Works/Water Supply - Salaries to Contractual Services

Attachments: [GT-12-15.pdf](#)
[GT-12-15.doc](#)

Alderman Pfeiffer moved to approve GT-12-15. Seconded. CARRIED on voice vote.

For the Good of the Order (no action needed)

[ID-63-15](#) Combined Annual Reports from the Boards and Commissions 2014

Attachments: [Combined Annual Report 2014 \(updated\)](#)

This Informational Item was reported.

Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:43 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk