

## City of Annapolis

160 Duke Of Gloucester Street Annapolis, MD 21401

# **Regular Minutes - Final City Council**

Monday, July 14, 2014

7:00 PM

Mayor John T. Chambers, Jr. **City Council Chambers** 

Call to Order

Mayor Pantelides called the meeting to order at 7:03 p.m.

Invocation

Given by Alderwoman Finlayson.

Pledge of Allegiance

Led by Mayor Pantelides.

Roll Call

Tonight's roll call begins with Alderman Budge

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:**

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

A closed session of the City Council was held at 3:06 p.m., Tuesday, July 1, 2014 in the 2nd Floor Conference Room located at 160 Duke of Gloucester Street, Annapolis, Maryland 21401.

Present:

Mayor Pantelides, Alderwomen Pindell-Charles, Finlayson, Aldermen Kirby, Pfeiffer, Arnett

Staff Present:

Acting City Attorney Elson, Finance Director Miller, Human Resources Director Rensted, DNEP Director Broadbent, Acting Planning and Zoning Director Nash, Public Works Director Jarrell, Procurement Officer Snyder, Eric Paltell, Esq.

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). The purpose of the meeting was to consult with the City Law Office.

No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 4:34 p.m.

## Approval of Agenda

To add O-24-14 Police and Fire Retirement Plan Cost of Living Adjustments, to postpone O-2-14 Water Service to the Chesapeake Harbour Subdivision until the Special meeting on July 28, 2014; and to withdraw R-4-14 Amendment to the Capital Improvement Program:

FY 2014 to FY 2019 Concerning the Annapolis Police Department Indoor Firing Range FY 2019 Concerning the Annapolis Police Department Indoor Firing Range.

Alderman Littmann moved to amend. Seconded. CARRIED on voice vote.

To postpone O-22-14 on second reader until the Special Meeting on July 28, 2014.

Alderman Budge moved to amend. Seconded. CARRIED on voice vote.

The agenda.

Alderman Littmann moved to approve as amended. Seconded. CARRIED on voice vote.

## **Approval of Journal of Proceedings**

CC061614 Approval of the Minutes Regular Meeting

CC062314 Approval of the Minutes Special Meeting

Alderman Arnett moved to approve the June Minutes. Seconded. CARRIED on voice vote.

## **Martha Wood Leadership Award**

Mayor Pantelides invited Alderman Budge to present to the Members of the Beautification Committee the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the Forty-Fourth recipient of the prestigious Martha Wood Leadership Award.

## **Petitions, Reports and Communications**

#### A. Reports by Committee

## B. Comments by the General Public

Steven Conn, 1111 Van Buren Street, Annapolis, Maryland 21403 spoke on the violence in Eastport, 3 shootings in the Community, the need for a public housing community public safety policy and spoke in favor of Uber Technologies.

Pam Longeneckes, 1211 A Marda Lane, Annapolis, Maryland 21403 spoke on violence in the City and the sound of gun fire.

Jessica Pachler, 506 President Street, Annapolis, Maryland 21403 spoke on safety in Eastport, the 3 shootings in the City, police presence in the neighborhood, and the HACA Properties not having a public safety plan.

Mayor Pantelides declared petitions, reports and communications closed.

#### **Public Hearings**

O-15-14 Bulk I

**Bulk Regulations for Educational Institutions** - For the purpose of amending the bulk regulations for educational institutions to allow for a flexible design-oriented approach to the development or redevelopment of schools.

Sponsors: Paone

No one from the general public spoke in favor of or in opposition to the ordinance. Mayor Pantelides accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated June 5, 2014 and Memoranda from Acting Planning and Zoning Director Nash to the Planning Commission dated May 28, 2014. Mayor Pantelides declared the public hearing closed.

O-22-14

**Special Residential Parking District 1 - State Circle** - For the purpose of authorizing a resident who occupies a dwelling unit in a building located on State Circle to be eligible for a permit in special residential parking district No. 1; and all other matters related to special residential parking district No. 1.

Sponsors: Budge

Acting City Manager Woodward and Corporal Dwayne Daniels were present and answered questions from Council.

Spoke on the ordinance:

Robert Eades, 32 Presidents 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 closed.

O-23-14

Financial Disclosure for Employees and Appointed Officials - For the purpose of requiring certain City of Annapolis employees and appointed officials to file a financial disclosure statement with the Ethics Commission 15 days after commencing employment or service pursuant to their appointment; requiring employees or appointed officials who provide advice or counsel to the City on acquisitions or public policy matters to file a financial disclosure statement with the Ethics Commission; and making the changes necessary to the City Code in order to comply with the State of Maryland ethics requirements.

Sponsors: Finlayson, Pindell Charles and Littmann

No one from the general public spoke in favor of or in opposition to the ordinance. Mayor Pantelides declared the public hearing closed.

R-22-14

**Waiver of Commercial Mooring Permit Fees for Annapolis Community Boating** - For the purpose of waiving the commercial mooring permit fees (\$1,920 per commercial mooring permit per year in fiscal year 2015) for Annapolis Community Boating, a local 501(c)(3) organization.

Sponsors: Pfeiffer

Spoke on the resolution:

Elvia Thompson, P.O. Box 3423, Annapolis, Maryland 21403 representing Annapolis Community Boating.

Lorie Stout, 3451 Cohasset Avenue, Annapolis, Maryland 21403 representing Annapolis Community Boating.

David Mclatchie, 309 4th Street, Annapolis, Maryland 21403.

Lynn Fitzpatrick, 105 Northwest Street, Annapolis, Maryland 21401. No one else from the general public spoke in favor of or in opposition to the resolution. Mayor Pantelides declared the public hearing closed.

## **Legislative Action**

#### A. Second Readers

O-2-14 Water Service to the Chesapeake Harbour Subdivision- For purpose of

authorizing and approving an agreement regarding the provision of water

service to the Chesapeake Harbour Subdivision.

**Sponsors:** Pantelides and Arnett

To postpone on second reader until the Special Meeting on July 28, 2014.

Alderman Littmann moved to amend the agenda. Seconded. CARRIED on voice vote.

O-6-14 Seasonal Outdoor Sales - For the purpose of amending the zoning code

to address seasonal outdoor sales.

Sponsors: Arnett

Acting Planning and Zoning Director Nash was present and answered questions from Council.

Alderman Paone moved to adopt on second reader. Seconded.

Rules Committee

Amendment #1

Page 1, Line 25

Insert: Section 21.64.150 (Christmas tree and greens sales) and Section 21.64.380 (Markets, open air) FOR THE PURPOSE OF STRIKING FROM THE CODE 21.64.150 Christmas tree and greens sales.

- A. Sales are allowed only on a seasonal basis.
- B. No permanent structures shall be erected in conjunction with the sales.
- C. Portable tables and umbrellas may be utilized for the sales.
- D. Site design review under Chapter 21.62 is required.
- E. Where it can be demonstrated that there is no negative impact on the availability of parking for such other uses as may occupy the site, an adjustment to the parking requirement may be granted at the discretion of the Planning and Zoning Director in order to utilize those parking spaces for the temporary use.
- F. No use may be made of buffers for sales.

- G. The Department of Planning and Zoning may establish requirements for hours of operation, refuse removal and deliveries.
- H. Refuse containers shall be provided and the cleanliness of the site and adjacent areas, as defined by the Department of Planning and Zoning, shall be maintained. 21.64.380 Markets, open air.

See Food and beverage-related uses.

Amendment #2

21.64.555 - SEASONAL OUTDOOR SALES

A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

INSERT NEW B. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE LENGTH OF TIME THAT THE SEASONAL USE MAY REMAIN OPEN, THE NUMBER OF DAYS AND NUMBER OF HOURS IN A DAY THAT THE SEASONAL USE MAY REMAIN OPEN, REQUIREMENTS FOR REFUSE REMOVAL AND DELIVERIES FOR EACH

SEASONAL USE, AND ANY OTHER STANDARDS REQUIRED BY THIS CHAPTER FOR EACH SEASONAL USE.

- B. C. A USE PERMIT IS REQUIRED AND SHALL NOT BE ISSUED WITHOUT THE PRIOR WRITTEN CONSENT OF THE OWNER OF THE PROPERTY ALLOWING USE OF THE PROPERTY FOR SEASONAL OUTDOOR SALES. A LETTER FROM THE OWNER OF THE PROPERTY GIVING HIS/HER CONSENT TO USE THE SUBJECT PROPERTY SHALL BE PROVIDED.
- C. D. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH THE SEASONAL OUTDOOR SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR THE SEASONAL OUTDOOR SALES.
- D. E. SITE DESIGN REVIEW AND APPROVAL UNDER CHAPTER 21.62 IS REQUIRED. A SCALED SITE PLAN INDICATING THE LOCATION OF THE TEMPORARY STRUCTURES, TRASH STORAGE AREAS, LOCATION OF SIGNS AND THE LOCATION OF ADJACENT STREETS, AVENUES AND ALLEYS; A SITE DESIGN REVIEW APPLICATION SHALL INCLUDE THE PRODUCTION OF A SCALED SITE PLAN INDICATING THE LOCATION OF TEMPORARY STRUCTURES, TRASH STORAGE AREAS, AND SIGNS, AND THE LOCATION OF ADJACENT STREETS, AVENUES, AND ALLEYS.

STRIKE: E. THE USE SHALL NOT OBSTRUCT THE VISIBILITY OF MOTORISTS, NOR OBSTRUCT THE PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET:

REPLACE WITH: F. NO SEASONAL OUTDOOR USE SHALL OBSTRUCT THE VISIBILITY OF ANY MOTORISTS OR PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET, AVENUE, OR ALLEY.

STRIKE:F. WHERE IT CAN BE DEMONSTRATED THAT THERE IS NO NEGATIVE IMPACT ON THE AVAILABILITY OF PARKING FOR SUCH OTHER USES AS MAY OCCUPY THE SITE, AN ADJUSTMENT TO THE PARKING REQUIREMENT MAY BE GRANTED AT THE DISCRETION OF THE PLANNING AND ZONING DIRECTOR IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE TEMPORARY USE. REPLACE WITH: G. WHERE THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT A SEASONAL OUTDOOR USE WILL RESULT IN ONLY MINIMAL IMPACT ON THE AVAILABILITY OF PARKING FOR OTHER USES OCCUPYING THE SAME PROPERTY, THE DIRECTOR MAY, IN HIS OR HER DISCRETION, ALLOW AN ADJUSTMENT TO THE EXISTING PARKING REQUIREMENT FOR THAT PROPERTY IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE SEASONAL OUTDOOR USE.

STRIKE: G. NO USE MAY BE MADE OF BUFFERS FOR SALES. THE USE SHALL BE AT LEAST FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE; REPLACE WITH:

H. LANDSCAPE BUFFERS SHALL NOT BE USED IN ANY MANNER FOR, OR IN CONNECTION WITH, ANY SEASONAL OUTDOOR SALES.

AND

I. NO SEASONAL OUTDOOR USE SHALL BE LOCATED WITHIN FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE.

STRIKE: H. THE DEPARTMENT OF PLANNING AND ZONING MAY ESTABLISH REQUIREMENTS FOR HOURS OF OPERATION, REFUSE REMOVAL AND DELIVERIES. REFUSE CONTAINERS SHALL BE PROVIDED AND THE CLEANLINESS OF THE SITE AND ADJACENT AREAS, SHALL BE MAINTAINED. REPLACE WITH: J. A SEASONAL OUTDOOR USE SHALL INCLUDE SUFFICIENT REFUSE CONTAINERS, AND RESPONSIBILITY FOR THE MAINTENANCE AND CLEANLINESS OF THE SITE AND ADJACENT AREAS.

I. K. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO ANY SEASONAL OUTDOOR SALES AREA.; AND J. L. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT WHERE ANY TYPES OF CHEMICALS OR, GASOLINE OR OTHER HAZARDOUS MATERIALS ARE STORED OR SOLD.

NEW M. THE DEPARTMENT OF PLANNING AND ZONING MAY IMPOSE ADDITIONAL CONDITIONS AS DEEMED NECESSARY TO INSURE THE SAFE OPERATION OF A SEASONAL OUTDOOR USE AND CODE COMPLIANCE. Amendment #4

Page 12, Line 46: insert before "without" ON PUBLIC OR PRIVATE PROPERTY

Alderwoman Finlayson moved to amend O-6-14. Seconded. CARRIED on voice vote.

Budge Amendment #1 p. 12, line 45: Replace "DIRECT MARKETING" with "RETAIL" Rationale: "Direct Marketing" is a term used throughout the country to describe reaching out to specific consumers and enticing sales. Common methods include mailers, catalogs, email, door-to-door sales, etc. This clearly does not apply to the situation described in the ordinance. "Direct Market" is a term used in the agricultural industry to describe producers selling directly to customers (e.g.: farmer's markets). This term doesn't apply either, as we do not contemplate requiring the operators of the seasonal markets to be the growers or producers themselves, nor to have the growers or producers on-site. It will be simply a retail operation which carries a certain type of goods (as defined in the standards).

Budge Amendment #2 p. 5: Strike the line in the use table for "Markets, open air" Rationale: This line is rendered obsolete by "Seasonal Outdoor Sales" and will be an undefined use if the Planning Commission amendments are adopted.

Alderman Budge moved to amend O-6-14. Seconded. CARRIED on voice vote.

Littmann Amendment #1 Page 12, lines 34-37, revise as indicated below:
H. THE DEPARTMENT OF PLANNING AND ZONING MAY ESTABLISH
REQUIREMENTS FOR HOURS OF OPERATION, REFUSE REMOVAL AND
DELIVERIES. AN ADEQUATE AND EQUAL NUMBER OF RECYCLING AND REFUSE
CONTAINERS SHALL BE PROVIDED AND THE CLEANLINESS OF THE SITE AND
ADJACENT AREAS, SHALL BE MAINTAINED. THE SAME MATERIALS COLLECTED
IN THE CITY'S CURBSIDE RECYCLING SERVICE SHALL BE COLLECTED FOR
SEASONAL OUTDOOR SALES USES

Alderman Arnett moved to amend O-6-14. Seconded. CARRIED on voice vote.

Littmann Amendment #1 as follows: To insert into the ordinance wherever it references refuse removal.

Alderwoman Finlayson moved to amend O-6-14. Seconded. CARRIED on voice vote.

Alderman Littmann moved to O-6-14 adopt as amended on second reader. Seconded. CARRIED on voice vote.

The meeting was recessed at 8:33 p.m. and reconvened at 8:48 p.m.

Alderman Arnett moved to adopt O-6-14 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

O-10-14 Legal Counsel to Board of Supervisors of Elections - For the purpose of authorizing the Board of Supervisors of Elections to engage outside legal counsel during specified periods of time in the municipal election cycle.

Sponsors: Pantelides and Arnett

Alderman Arnett moved to adopt O-10-14 on second reader. Seconded.

Until the Special Meeting on July 28, 2014 and to refer O-10-14 back to the Rules and City Government Committee.

Alderwoman Finlayson moved to postpone O-10-14. Seconded. CARRIED on voice vote.

O-13-14 Repeal of Police Residency Requirement - For the purpose of repealing the requirement that sworn employees of the Police Department reside within a thirty-mile road radius from the City line.

Sponsors: Pantelides

Captain Christopher Amoia representing the Annapolis Police Department was present and answered questions from Council.

Alderwoman Finlayson moved to adopt O-13-14 on second reader. Seconded. CARRIED on voice vote.

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Alderman Budge moved to adopt O-13-14 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

#### O-15-14

**Bulk Regulations for Educational Institutions** - For the purpose of amending the bulk regulations for educational institutions to allow for a flexible design-oriented approach to the development or redevelopment of schools.

## Sponsors: Paone

Planning and Zoning Director Nash gave a brief presentation and answered questions from Council.

Alderman Paone moved to adopt O-15-14 on second reader. Seconded.

To stike in all bulk tables referenced in section 21.26 " Special Exceptions"

Alderman Budge moved to amend O-15-14. Seconded. CARRIED on voice vote.

Alderman Littmann moved to adopt O-15-14 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Paone moved to adopt O-15-14 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 8 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Abstain: 1 - Alderwoman Pindell Charles

#### O-22-14

**Special Residential Parking District 1 - State Circle** - For the purpose of authorizing a resident who occupies a dwelling unit in a building located on State Circle to be eligible for a permit in special residential parking district No. 1; and all other matters related to special residential parking district No. 1.

#### Sponsors: Budge

To postpone O-22-14 on second reader until the Special Meeting on July 28, 2014.

Alderman Budge moved to amend the agenda. Seconded. CARRIED on voice vote.

R-4-14 Amendment to the Capital Improvement Program: FY 2014 to FY 2019

**Concerning the Annapolis Police Department Indoor Firing Range** - For the purposes of adopting an amendment to the capital improvement program for the six-year period from July 1, 2013, to June 30, 2019 concerning the Annapolis Police Department indoor firing range.

Sponsors: Pantelides

Alderman Littmann moved to amend the agenda to withdraw R-4-14. Seconded. CARRIED on voice vote.

R-22-14 Waiver of Commercial Mooring Permit Fees for Annapolis Community
Boating - For the purpose of waiving the commercial mooring permit fees
(\$1,920 per commercial mooring permit per year in fiscal year 2015) for
Annapolis Community Boating, a local 501(c)(3) organization.

Sponsors: Pfeiffer

Finance Director Miller, Acting Recreation and Parks Director Walters and Acting City Manager Woodward were present and answered questions from Council.

Alderman Pfeiffer moved to adopt R-22-14 on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 8 - Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

Nay: 1 - Alderman Littmann

#### **B. First Readers**

R-24-14 Special Event Applications - For the purpose of authorizing City Council approval of selected special events R-14-12. implementing per Dock; moratorium administrative approvals for events at City designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving City fees for Eastport Yacht Club 32nd Annual Eastport Yacht Club Lights Parade and the Annapolis Jaycees Grand Illumination; waiving parking fees for the Maritime Republic of Eastport Tug of War; and the reimbursement of full fees to the City for the cost associated with the other approved events.

**Sponsors:** Budge and Pantelides

Mayor Pantelides referred to the Economic Matters and the Finance Committees.

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

R-25-14

The Approval of a Community Legacy and/or a Strategic Demolition and Smart Growth Impact Fund Application (Bowman Building) - For the purpose of approving the application and receipt of financing for Community Legacy Projects and/or Strategic Demolition and Smart Growth Impact Fund projects in the City of Annapolis for the Bowman Building Redevelopment, to be financed either directly by the Department of

Housing and Community Development (the Department) of the State of Maryland, or through other departments or agencies of the State of Maryland.

Sponsors: Paone

Mayor Pantelides referred to the Housing and Human Welfare Committee.

Alderwoman Finlayson moved to adopt R-15-14 on first reader. Seconded. CARRIED on voice vote.

#### R-26-14

The Approval of a Community Legacy and/or a Strategic Demolition and Smart Growth Impact Fund Application (Newtowne Twenty) - For the purpose of approving the application and receipt of financing for Community Legacy Projects(s) and/or Strategic Demolition and Smart Growth Impact Fund project(s) in the City of Annapolis for the Newtowne Twenty Redevelopment project, to be financed either directly by the Department of Housing and Community Development (the Department) of the State of Maryland, or through other departments or agencies of the State of Maryland.

Sponsors: Finlayson

Mayor Pantelides referred to the Housing and Human Welfare Committee.

Alderwoman Finlayson moved to adopt R-26-14 on first reader. Seconded. CARRIED on voice vote.

#### O-24-14

Police and Fire Retirement Plan Cost of Living Adjustments - For the purpose of providing that effective July 1, 2013, and each July 1st thereafter, each Retired Member or survivor of any such Retired Member, entitled to receive a retirement benefit as of June 30th of any year, shall receive a fixed annual two-percent (2%) increase above the amount the Retired Member or survivor had received on June 30th of the same year.

Sponsors: Arnett, Finlayson, Pindell Charles and Pfeiffer

Mayor Pantelides referred to the Rules and City Government and the Finance Committees.

Alderwoman Finlayson moved to adopt O-24-14 on first reader. Seconded. CARRIED on voice vote.

#### **Business and Miscellaneous**

#### ID-213-14 Review of Towing License

Captain Cynthia Howard and Corporal Dwayne Daniels representing the Annapolis Police Department,

Inspector Avery Jones representing the Annapolis Fire Department were present and testified on behalf of the Administration.

Kyle Leaply, 679 Fairhaven Road, Tracey's Landing, Maryland 20779 representing JP Towing Services, LLC spoke on the storage facility located at 1023 Spa Road and

answered questions froom Council.

Peter Parkinson, 1032 West Street, Annapolis, Maryland 21401 representing Mason's Auto Service Center spoke regarding the status of JP Towing Services' storage facility located at 1023 Spa Road and the 44 Hudson Street location being outside of the City limits.

Office Manager Jacky Pearl, 44 Hudson Street, Annapolis, Maryland 21401 spoke on the status of the storage facility located at 1023 Spa Road.

Alderwoman Finlayson moved to postpone action. Seconded. CARRIED on voice vote.

## Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:15 p.m.

Regina C. Watkins-Eldridge, MMC City Clerk