

1 **..Title**

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

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance 17-17**

10
11 **Introduced by: Alderman Budge**

12
13 **Referred to**
14 **Economic Matters Committee**
15 **Finance Committee**

16
17 **AN ORDINANCE** concerning

18
19 **Market House Amendments**

20
21 **FOR** the purpose of amending the Market House policy to reflect a tenant and sub-
22 tenant relationship, clarifying Market House product and service policies, and
23 removing the requirement for an enterprise fund.

24
25 **BY** repealing and re-enacting with amendments the following portions of the Code of
26 the City of Annapolis, 2016 Edition
27 Section 7.28.010
28 Section 7.28.020

29
30 **WHEREAS,** the Annapolis City Council believes a thriving Market House contributes
31 to the overall social and economic vitality of the City’s historic
32 downtown; and

33
34 **WHEREAS,** the Annapolis City Council desires to re-establish the Market House as a
35 vibrant public resource, as a key anchor of the City’s downtown
36 commercial area, and as a gathering space for residents, tourists, and
37 workers from all walks of life; and

38
39 **WHEREAS,** the Annapolis City Council wishes to lease the Market House to one
40 tenant who will operate the facility under Section 7.28.020 of the
41 Annapolis City Code either as the sole tenant or in conjunction with sub-
42 tenants selected by the tenant; and

43
44 **WHEREAS,** Article III, Section 2 of the Annapolis City Charter states the City has the
45 power to erect and regulate markets; and
46

1 **WHEREAS**, the Fiscal 2017 Annual Operating Budget adopted by the Annapolis City
2 Council on June 20, 2016 consolidated the Dock Fund and the Market
3 House Fund into the General Fund.

4
5 **NOW, THEREFORE,**

6
7 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
8 **CITY COU NCIL** that the Code of the City of Annapolis shall be amended to read as
9 follows:

10
11 **TITLE 7 - BUSINESS LICENSES, TAXES AND REGULATIONS**

12 **CHAPTER 7.28 - MARKETS**

13
14 **7.28.010 - Open-air market.**

15
16 A. An open-air market is created within the area located between the premises
17 known as 110 Compromise Street, along Compromise Street to the intersection of
18 Market Space, excluding the Alfred A. Hopkins Plaza and sidewalks located
19 immediately adjacent to the Market House, for persons selling products or
20 commodities that are produced, caught or raised by them, provided they are not
21 employees of others.

22
23 B. All sales shall be conducted from within spaces prepared and set aside by the City
24 to be rented to those merchants desiring to sell products or commodities at the
25 open-air market. The amount of the rental fee shall be determined, from time to
26 time, by the City Council, by resolution. No more than two spaces shall be rented
27 to any one merchant. Designated spaces may be rented by merchants not using
28 vehicles at the same rental rate. All merchants shall remove their stands and
29 produce from the sidewalks each evening by ten p.m. The removal of greenery
30 and stands shall not apply to the period in which Christmas articles are being sold.
31 Stands and merchandise shall be arranged so as to not block or impede pedestrian
32 or vehicular traffic.

33
34 C. ~~The Market House shall be operated as a public purpose retail facility which~~
35 ~~offers fresh products and services of high quality by local and regional vendors,~~
36 ~~priced to appeal to a range of customers, and which preserves and promotes the~~
37 ~~authentic character of the building as an historic structure and public gathering~~
38 ~~place. Retail sales shall specialize in a fresh food market emphasizing vendors~~
39 ~~with a connection to the Chesapeake Bay region and other items commonly found~~
40 ~~in public markets.~~ WITH THE AUTHORIZATION OF THE CITY MANAGER,
41 OR HIS OR HER DESIGNEE, AND SUBJECT TO TERMS AND
42 CONDITIONS APPROVED BY THE CITY MANAGER, OR HIS OR HER
43 DESIGNEE, THE MARKET HOUSE TENANT OR SUB-TENANTS, MAY
44 ESTABLISH AN OPEN-AIR MARKET IN ANY AREA OF THE ALFRED A.
45 HOPKINS PLAZA OR ON ANY PART OF THE SIDEWALK AND PARKING
46 AND LOADING AREAS ADJACENT TO THE MARKET HOUSE, WHERE

1 VENDORS MAY SELL PRODUCE AND OTHER GOODS, WHETHER
2 PRODUCED, CAUGHT OR RAISED BY SUCH VENDORS OR BY OTHERS.
3 THE CITY MANAGER, OR HIS OR HER DESIGNEE, UPON PROVIDING
4 ADVANCE NOTICE TO THE VENDORS, SHALL HAVE THE
5 UNCONDITIONAL RIGHT TO WITHDRAW USE OF ANY AREA
6 DESIGNATED FOR OPEN-AIR MARKET PURPOSES, EITHER
7 TEMPORARILY OR PERMANENTLY.

8
9 **7.28.020 - Market House policy.**

10
11 A. The policies set forth in this section shall govern the selection of tenants,
12 management and operation of the Market House, including ~~the Alfred A. Hopkins~~
13 ~~Plaza located immediately adjacent to the Market House and the sidewalks and~~
14 parking and loading areas immediately adjacent to the Market House, located at
15 ~~the City dock.~~ MARKET SPACE.

16
17 B. The operation of the Market House shall not be subsidized by the
18 EXPENDITURE OF general funds of the City, except that the City shall be
19 responsible for maintenance and repair of the ~~heating and air conditioning system,~~
20 roof, structural elements of the Market House, and exterior surfaces of the
21 structure which may include debt service. The City's expenditures related to the
22 maintenance of the Market House shall be budgeted in the annual budget of the
23 City according to generally accepted accounting principles ~~customarily employed~~
24 ~~for enterprise funds.~~

25
26 ~~C. The Market House shall be operated as a mercantile enterprise in a clean, safe and~~
27 ~~visually attractive environment, specializing in a fresh food market with a~~
28 ~~preference to local and regional vendors, providing items commonly found in~~
29 ~~public markets.~~

30
31 ~~DC.~~ The Market House shall be managed and operated to attract and serve the needs of
32 a diverse clientele consisting of:

- 33
34 1. Residents;
35 2. Workers employed in the vicinity of the City;
36 3. Day visitors;
37 4. Extended visitors;
38 5. Special-events visitors; and
39 6. Transient boaters.

40
41 ~~E. A similarity in types of merchants and types of merchandise offered for sale shall~~
42 ~~be avoided in the consideration of tenant selection for the Market House so that~~
43 ~~patrons may be offered a variety of products. During the tenant selection process,~~
44 ~~consideration also shall be given to a prospective tenant's ability and willingness~~
45 ~~to comply with the policies set forth in Subsection F of this section.~~

1 ED. THE MARKET HOUSE SHALL BE OPERATED AS A RETAIL FACILITY
2 WITH A FOCUS AS A PUBLIC AMENITY WHICH OFFERS FRESH
3 PRODUCTS AND SERVICES OF HIGH QUALITY FROM LOCAL AND
4 REGIONAL SOURCES, PRICED TO APPEAL TO A RANGE OF
5 CUSTOMERS, AND WHICH PRESERVES AND PROMOTES THE
6 AUTHENTIC CHARACTER OF THE BUILDING AS A MARKET, AN
7 HISTORIC STRUCTURE AND PUBLIC GATHERING PLACE.
8

9 1. RETAIL SALES MAY INCLUDE PRODUCE, MEATS, DAIRY,
10 BAKED GOODS AND OTHER PERISHABLE GROCERIES, DRY
11 GROCERIES, HOUSEHOLD ITEMS, FLOWERS FOOD AND
12 BEVERAGES PREPARED FOR HOME OR OFFSITE
13 CONSUMPTION, AND FOOD AND BEVERAGES THAT ARE
14 IMMEDIATELY CONSUMABLE.
15

16 ~~2.~~ Foods and products offered for sale in the Market House generally
17 shall be of the highest quality and shall be displayed and offered for
18 sale in a manner that will not interfere with the movement of shoppers
19 ~~or the right of other tenants~~ nor create unnecessary visual clutter. ~~For~~
20 ~~prepared foods, an emphasis should be placed upon those types of~~
21 ~~items which are generally too difficult or time consuming for~~
22 ~~personal preparation.~~
23

24 3. THE TENANT SHALL MAINTAIN A CLEAN, SAFE AND
25 CONSISTENT ENVIRONMENT IN AND AROUND THE
26 MARKET HOUSE.
27

28 ~~GE. Subject to the availability of funds, the City may elect to hire a Market House~~
29 ~~Manager or retain a Market House management firm with demonstrated~~
30 ~~experience in retail management. The Public Works Director CITY MANAGER,~~
31 ~~or his or her designee, shall supervise the Market House Manager or management~~
32 ~~firm LEASE. If hired, the Market House Manager or management firm shall~~
33 ~~manage the leases and lease relationships with the vendors.~~
34

35 HF. The Market House ~~Manager, on behalf of the vendors in the Market House,~~
36 TENANT OR APPROVED SUB-TENANTS may place tables and chairs inside
37 the Market House for use by Market House customers.
38

39 IG. Any portion of the Alfred A. Hopkins Plaza, and the sidewalks adjacent to the
40 Market House, may be designated by the ~~Public Works Director~~ CITY
41 MANAGER, or his or her designee, as an area that may be used by the ~~vendors~~
42 TENANT OR APPROVED SUB-TENANTS, on a non-exclusive basis, as a
43 sidewalk café, subject to the conditions and requirements of Section 7.28.020.H.
44

45 JH. The Market House ~~Manager, on behalf of the vendors in the Market House,~~
46 TENANT OR APPROVED SUB-TENANTS may establish a sidewalk café with

1 tables and chairs ("furniture") on the sidewalk adjacent to the dock side of the
 2 Market House and in designated areas of the Alfred A. Hopkins Plaza, subject to
 3 Section 7.28.020.I and subject to permitting and the conditions and requirements
 4 of Chapter 7.42 with the exception of the standard for the prohibition of
 5 exclusively carry-out transactions under Section 7.42.020.G. Customers of the
 6 Market House may purchase food and beverages inside the Market House and
 7 consume them at the sidewalk café.

8
 9 ~~K. With the authorization of the Public Works Director, or his or her designee, and~~
 10 ~~subject to terms and conditions approved by the Public Works Director, or his or~~
 11 ~~her designee, the Market House manager, or management firm, on behalf of the~~
 12 ~~vendors in the Market House, may establish an open air market in any area of the~~
 13 ~~Alfred A. Hopkins Plaza or on any part of the sidewalk and parking and loading~~
 14 ~~areas adjacent to the Market House, where vendors may sell produce and other~~
 15 ~~goods, whether produced, caught or raised by such vendors or by others. The~~
 16 ~~Public Works Director, or his or her designee, upon providing advance notice to~~
 17 ~~the vendors, shall have the unconditional right to withdraw use of any area~~
 18 ~~designated for open air market purposes, either temporarily or permanently.~~

19
 20 LI. The vendors TENANT AND APPROVED SUB-TENANTS in the Market House
 21 shall be required to obtain all licenses and permits to conduct activities pursuant
 22 to this Chapter, or pursuant to their lease with the City, including, but not limited
 23 to, a sidewalk café permit pursuant to Chapter 7.42, and a use and occupancy
 24 permit pursuant to Chapter 21.12.

25
 26
 27 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
 28 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect on January 2,
 29 2018.

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.