



City of Annapolis

160 Duke Of Gloucester
Street
Annapolis, MD 21401

Regular Meeting Minutes - Draft

City Council

Monday, January 11, 2021

7:00 PM

Mayor John T. Chambers, Jr.
City Council Chambers

Virtual Meeting

A virtual meeting is when people, regardless of their location, use video and audio to link up online. Virtual Meetings allow people to share information and data in real-time without being physically located together.

Call to Order

Mayor Buckley called the Regular Meeting to order at 7:00 pm.

Invocation

Given by Alderwoman Pindell Charles.

Pledge of Allegiance

Led by Mayor Buckley.

Roll Call

Tonight's roll call began with Alderwoman Tierney.

Present: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

Approval of Agenda

Alderman Schandelmeier moved to approve the agenda as amended to include R-1-21 Condemning the Attack on the U.S. Capital Building on first reader, and to include R-61-20 Short Term Rental Licenses - Moratorium on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 7 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier and Alderman Savidge

Nay: 1 - Alderman Arnett

Abstain: 1 - Alderwoman Pindell Charles

Approval of Agenda

Alderwoman Pindell Charles made the following statement for the record regarding R-61-20 Short Term Rental Licenses - Moratorium, "I will be recusing

myself from all discussion and the votes on the resolution".

Consent Calendar

Approval of the Consent Calendar

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

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

Approval of Journal of Proceedings

[CCM](#)
[12.21.2020](#)

Special Meeting Minutes

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

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

End of Consent Calendar

Legislative Action

Second Readers

[R-61-20](#)

Short Term Rental Licenses - Moratorium - For the purpose of placing a moratorium on the issuance of new non-owner occupied short term rental licenses in certain conservation residence districts; placing a moratorium on the transfer of existing non-owner occupied short term rental licenses in certain conservation residence districts; providing for the application of the moratorium; and setting a date for termination of the moratorium.

Sponsors: Tierney, Savidge and Schandelmeier

Alderman Savidge moved to adopt R-61-20 on second reader. Seconded.

Planning and Zoning Director Dr. Nash and Finance Director Dickinson were present and answered questions from the council.

Alderwoman Tierney moved to amend R-61-20 as follows:

AMENDMENT 1:

On page 2, in line 35 after "terminate" strike "6 months after the City Council adopts the 2020

Comprehensive Plan" and insert "6 months after adoption of this Resolution to allow for public testimony on the Comprehensive Plan and City Council

review of the growth of non-owner occupied Short-Term Rentals in the Conservation Districts". **Seconded. A roll call vote was taken.**

The motion CARRIED by the following vote:

Aye: 5 - Alderwoman Tierney, Alderman Paone, Alderman Gay, Alderman Schandelmeier and Alderman Savidge

Nay: 3 - Mayor Buckley, Alderwoman Finlayson and Alderman Arnett

Out of Room: 1 - Alderwoman Pindell Charles

Alderman Schandelmeier moved to adopt R-61-20 as amended on second reader. Seconded. A roll call vote was taken. The motion DEFEATED by the following vote:

Aye: 4 - Alderwoman Tierney, Alderman Paone, Alderman Schandelmeier and Alderman Savidge

Nay: 4 - Mayor Buckley, Alderwoman Finlayson, Alderman Gay and Alderman Arnett

Out of Room: 1 - Alderwoman Pindell Charles

[O-21-20](#)

The Conveyance of City-owned property - For the purpose of approving the conveyance of certain City-owned property to 113 CATHEDRAL STREET, LLC; expressly authorizing said conveyance to be made at private sale and not at public auction; expressly finding that the City-owned land to be conveyed is not needed for public use; and generally relating to said conveyance.

Sponsors: Buckley

City Manager Jarrell was present and answered questions from the council.

Alderman Schandelmeier moved to adopt O-21-20 on second reader. Seconded.

Alderman Savidge moved to amend O-21-20 as follows:

Amendment 1:

On page 2, after line 3 insert:

"WHEREAS, the conveyance of the Property shall be subject to 113 Cathedral, LLC

constructing, and perpetually maintaining and repairing, a stormwater management system or other green infrastructure project (such as rain gardens, permeable pavers, or tree planting) on the Property, subject to Deputy City Manager for Resilience and Sustainability approval, which duties and responsibilities shall run with title to the Property; and"

Amendment 2:

On page 1 of the Deed, in line 10 before "Deed" insert "Special Warranty" and in line 11

before "DEED" insert "SPECIAL WARRANTY"

Amendment 3:

On page 2 of the Deed, after line 34 insert:

“And, FURTHER SUBJECT TO the construction, and perpetual maintenance and repair, of green infrastructure on the Property, subject to Deputy City Manager for Resilience and Sustainability approval, which duties and responsibilities shall run with title to the Property.” Seconded. CARRIED on voice vote.

Alderman Savidge moved to adopt O-21-20 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Tierney moved to adopt O-21-20 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderman Tierney, Alderman Paone, Alderman Pindell Charles, Alderman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

O-22-20

The Conveyance of City-owned property - For the purpose of approving the conveyance of certain City-owned property to Kathleen L. Woelfel, Carol L. Thames and Sandra M. Woelfel, Co-Trustees of the Survivor’s Trust created under the Woelfel Living Trust; expressly authorizing said conveyance to be made at private sale and not at public auction; expressly finding that the City-owned land to be conveyed is not needed for public use; and generally relating to said conveyance.

Sponsors: Buckley

City Manager Jarrell was present and answered questions for the council.

Alderman Arnett moved to adopt on second reader. Seconded.

Alderman Savidge moved to amend O-22-20 as follows:

Amendment 1:

On page 2, after line 2 insert:

“WHEREAS, the conveyance of the Property shall be subject to Kathleen L. Woelfel, Carol L. Thames and Sandra M. Woelfel, Co-Trustees of the Survivor’s Trust created under the Woelfel Living Trust constructing, and perpetually maintaining and repairing, a stormwater management system or other green infrastructure project (such as rain gardens, permeable pavers, or tree planting) on the Property, subject to Deputy City Manager for Resilience and Sustainability approval, which duties and responsibilities shall run with title to the Property; and”

Amendment 2:

On page 1 of the Deed, in line 10 before “Deed” insert “Special Warranty” and in line 11 before “DEED” insert “SPECIAL WARRANTY”

Amendment 3:

On page 2 of the Deed, after line 36 insert:

“And, FURTHER SUBJECT TO the construction, and perpetual maintenance and repair, of green infrastructure on the Property, subject to Deputy City Manager for Resilience and Sustainability approval, which duties and responsibilities shall run with title to the Property.” Seconded. CARRIED on voice vote.

Alderman Arnett moved to adopt O-22-20 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Arnett moved to adopt O-22-20 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

O-31-20

Non-motorized wheeled vehicles - For the purpose of setting standards for the use of non-motorized wheeled vehicles on sidewalks; and establishing a definition.

Sponsors: Buckley and Tierney

Alderman Savidge moved to adopt O-31-20 on second reader. Seconded.

Planning and Zoning Director Dr. Nash was present and answered questions from the council.

Alderwoman Tierney moved to amend O-31-20 as follows:

AMENDMENT 1:

On Page 2, in line 7 after “WORKS” insert a “comma” and “IN CONSULTATION WITH RELEVANT CITY BOARDS AND COMMISSIONS AND OTHER ENTITIES AS MAY BE DEEMED USEFUL BY THE DIRECTOR, SHALL UNDERTAKE ASSESSMENTS AND DEVELOP STANDARDS GUIDING DESIGNATION OF PROHIBITED AREAS, AND”

AMENDMENT 2:

On page 2, in line 7 strike “IN AREAS” and insert “PROVIDING NOTICE”. Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to adopt O-31-20 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Paone moved to adopt O-31-20 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier and Alderman Savidge

Nay: 1 - Alderman Arnett

O-43-20

Aldermanic Annual Allowance - For the purpose of specifying types of appropriate expenditures for use of the aldermanic annual allowance.

Sponsors: Savidge and Gay

Alderman Shacndelmeier moved to adopt O-43-20 on second reader. Seconded. CARRIED on voice vote.

Alderman Gay moved to adopt on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

O-44-20

Employee Organizations - For the purpose of removing the deadline for employee organizations to petition the City for recognition as an exclusive bargaining agent for eligible government personnel.

Sponsors: Schandelmeier and Savidge

Alderman Schandelmeier moved to adopt O-44-20 on second reader. Seconded.

City Manager Jarrell and Finance Dickinson were present and answered questions from the council.

Alderman Schandelmeier moved to amend O-44-20 as follows:

AMENDMENT 1:

On page 2, in line 10 after "SESSION" insert "FOR THOSE RECOGNIZED PETITIONS THAT HAVE BEEN SUBMITTED NO LATER THAN OCTOBER 31 OF THE PRIOR FISCAL YEAR". Seconded. CARRIED on voice vote.

City Manager Jarrell was present and answered questions from the council.

Alderman Schandelmeier moved to adopt O-44-20 as amend on second reader. Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to adopt O-44-20 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

O-45-20

Audit Committee - For the purpose of clarifying the responsibilities of the audit committee members; specifying reporting requirements; providing for external and internal reporting services; providing program metrics, measurements, and evaluation; and generally relating to the audit committee.

Sponsors: Paone, Tierney and Pindell Charles

Alderman Paone moved to adopt O-45-20 on second reader. Seconded.

Alderwoman Tierney moved to amend O-45-20 as follows:

Amendment 1:

On page 2, in line 26, strike "EACH" and insert "THE CITY MANAGER, THE FINANCE DIRECTOR, OR DESIGNEE"

Amendment 2:

On page 3, in line 2 strike "All" down through "ISSUED." in line 4 and insert "ALL EXTERNAL AUDITORS SHALL REPORT FINDINGS DIRECTLY TO THE AUDIT COMMITTEE. ADDITIONALLY, ALL EXTERNAL AUDITORS SHALL PROVIDE TO THE AUDIT COMMITTEE A COPY OF ALL REQUIRED COMMUNICATIONS TO THE CITY COUNCIL."

Amendment 3:

On page 5, in line 6, strike "THE CITY" down through line 10 and insert "THE CITY DEPARTMENT SUBJECT TO THE AUDIT SHALL PROVIDE A WRITTEN RESPONSE TO THE EXTERNAL AUDITOR'S FINDINGS AND RECOMMENDATIONS NO LATER THAN 60 DAYS AFTER THE AUDIT REPORT HAS BEEN SUBMITTED TO THE CITY."

Amendment 4:

On page 5, in line 33 strike "THE CITY" down through line 39 and insert "THE CITY DEPARTMENT SUBJECT TO THE AUDIT SHALL PROVIDE A WRITTEN RESPONSE TO THE AUDIT REPORT FINDINGS AND RECOMMENDATIONS NO LATER THAN 60 DAYS AFTER THE AUDIT REPORT HAS BEEN SUBMITTED TO THE CITY."

Amendment 5:

On page 6, in lines 3 and 5 strike "FINANCE COMMITTEE" and insert "CITY COUNCIL". Seconded. CARRIED on voice vote.

City Manager Jarrell was present and answered questions from the council.

Alderman Savidge moved to amend O-45-20 as follows:

Amendment 6:

On page 2, in line 6, strike "three Alderpersons, three" and insert "four" and on page 2, in line 12 strike "The alderperson" down through "respectively" in line 18 and insert "THE APPOINTED CITIZENS SHALL BE CONFIRMED BY THE CITY COUNCIL.THE INITIAL TERMS OF OFFICE FOR THE APPOINTED CITIZENS SHALL BE ONE, TWO, THREE, AND THREE YEARS RESPECTIVELY. THEREAFTER, EACH CITIZEN MEMBER SHALL SERVE FOR A TERM OF THREE YEARS."

Amendment 7:

Strike all occurrences of "Audit Committee" and substitute "Audit Commission" and strike each occurrence of "Committee" used as a reference to the Audit Committee with "Commission". Seconded. DEFEATED on voice vote.

Aye: 4 - Mayor Buckley, Alderman Gay, Alderman Schandelmeier and Alderman Savidge

Nay: 5 - Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson and Alderman Arnett

Alderman Arnett moved to reconsider Tierney Amendment #5 as follows:

Amendment #5

On page 6, in lines 3, and 5, Un-strike "Finance Committee" and "and insert "City Council". Seconded. CARRIED on voice vote.

Alderman Arnett moved to adopt O-45-20 as amended on second reader. Seconded. CARRIED on voice vote.

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

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

[R-17-20](#)

Annual Statement of Performance Standards - For the purpose of ~~approving~~ accepting the annual performance statements filed by City agencies and departments.

Sponsors: Buckley

Alderman Schandelmeier moved to adopt R-17-20 on second reader. Seconded.

Alderman Paone moved to amend R-17-20 as follows:

Amendment 1:

On page 1, in lines 2, 20, and 38 strike "approving" and substitute "ACCEPTING" and on page 2, in line 2, strike "approved" and substitute "ACCEPTED". Seconded. CARRIED on voice vote.

City Manager Jarrell was present and answered questions from the council.

Alderman Savidge moved to amend R-17-20 as follows:

Amendment 2 to the FY2021 Environmental Performance Standards:

Stormwater treatment

Department: Public Works

Section: improve water quality of Annapolis waterways

Add Objective: Apply our stormwater management laws to achieve more treatment of the impervious surface than the minimums in the Code, when conditions allow and are warranted.

Benchmark: Projects are consistently approved that meet more than the minimum standards.

Performance measures: List of approved grading permits and the percentage of the impervious

surfaces that they are treating.

Sediment control program

Department: Public Works

Section: Improve water quality of Annapolis waterways

Add objective: More frequent and regular sediment control inspections of active

construction sites.

Benchmark: Inspect active projects over 1 acre in size once a week, and those less than an

acre every two weeks.

Performance measures: Total number of projects being inspected, the total square

footage/acreage of disturbance, and the frequency of inspections.

Department: Public Works

Section: Improve water quality of Annapolis waterways

Add objective: Thorough and effective enforcement of violations of our sediment control

laws utilizing an escalation of enforcement.

Benchmark: Field corrections are issued when violations are discovered and sites are reinspected immediately after the "comply by" date on the

correction notice. Fines are issued

when negligence is found.

Performance measures: Total number of violations found and actions taken, such as field

correction notices and fines. Length of time between discovery of violation and resolution of the

issues.

Forest and tree protection

Department: Planning & Zoning

Section: Increase Urban Tree Canopy

Add objective: Proper identification of priority forests by the developers on their Forest

Stand Delineations.

Benchmark: FSDs are field verified by the City arborist. When it is found that an FSD failed to

give the proper priority ranking to a forest or have another error, revisions are required and the

deficiency corrected. Per City Code 21.71.060, if the FSD is found deficient twice, then a new

consultant is hired by the City at the developer's expense.

Performance measures: Total number of FSDs reviewed and the accuracy rate, whether

approved/denied/revisions requested. Number of FSDs where deficiencies were found more

than twice and the City had to hire a consultant.

Department: Planning & Zoning

Section: Increase Urban Tree Canopy

Add objective: Proper protection of priority forests by the developers on their Forest

Conservation Plans.

Benchmark: Once forest has been identified properly as a priority forest in the FSD, the FCP is

supposed to speak to how such forest will be protected in the FCP in context with the proposed

development. If the priority forests or specimen trees are not adequately proposed to be protected, staff can require their protection and require an alteration of the plans, and not approve the FCP.

Performance measures: Number of FCPs reviewed by the City, whether or not they were found

to have adequately protected the priority forests, total acreage of priority forests protected and total removed/destroyed, and total FCPs approved/denied/requested revisions.

Department: Planning & Zoning

Section: Increase Urban Tree Canopy

Add objective: Protection of proposed Greenways during development process.

Benchmark: During the review of the FSD, areas that are identified in other City documents as

potential Greenway expansion areas or preservation areas, such forest should be considered a

priority forest for protection/expansion to be incorporated into the proposed development.

Performance measures: Total acres of greenway that were protected or created (afforestation)

during the development review process.

Department: Planning & Zoning

Section: Increase Urban Tree Canopy

Add objective: Management of public street trees, protecting them when warranted as required in Chapter 14.

Benchmark: In order to remove or maintain public street trees, Chapter 14 requires a permit be

submitted. If part of a larger development project that falls under Chapter 17, such street trees

should still be evaluated for protection, enhancement, or removal.

Performance measures: Total numbers of street trees removed, maintained, protected. Total

number of permits applied for to remove public trees (independent of and part of larger site

design projects - Chapter 17) and whether or not they were approved or denied. Total amount of

mitigation (tree replacement) required. **Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to adopt R-17-20 as amended on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

[R-66-20](#)

Charter Revision Commission - For the purpose of appointing a Commission to make a comprehensive study of the government of the City; and all matters relating to said Commission.

Sponsors: Buckley

Alderman Arnett moved to adopt R-66-20 on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 9 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

[R-67-20](#)

Maryland Emancipation Day - For the purpose of supporting the establishment of November 1st as Maryland Emancipation Day; and generally relating to Maryland Emancipation Day.

Sponsors: Schandelmeier, Buckley, Pindell Charles, Finlayson, Tierney, Gay and Paone

Alderman Paone moved to adopt R-67-20 on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier and Alderman Arnett

Abstain: 1 - Alderman Savidge

Alderman Gay - Cosponsor Added

Alderman Paone - Cosponsor Added

[R-61-20](#)

Short Term Rental Licenses - Moratorium - For the purpose of placing a moratorium on the issuance of new non-owner occupied short term rental licenses in certain conservation residence districts; placing a moratorium on the transfer of existing non-owner occupied short term rental licenses in certain conservation residence districts; providing for the application of the moratorium; and setting a date for termination of the moratorium.

Sponsors: Tierney, Savidge and Schandelmeier

Alderman Gay moved to reconsider R-61-20 on second reader. Seconded. CARRIED on voice vote.

Alderman Gay moved to adopt R-61-20 on second reader. Seconded.

Alderman Paone moved to amend R-61-20 as follows:

Amendment 1:

insert "3 months after adoption of this Resolution to allow for public testimony on the Comprehensive Plan and City Council review of the growth of non-owner occupied Short-Term Rentals in the Conservation Districts".
Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to adopt R-61-20 as amended on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Finlayson, Alderman Gay, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

Out of Room: 1 - Alderwoman Pindell Charles

First Readers**R-1-21****Condemning the Attack on the U.S. Capitol Building and our Democracy**

- For the purpose of condemning the violent attempt on January 6, 2021, to overturn a free and fair election by domestic terrorists at the urging of President Donald Trump; condemning the unsubstantiated allegations of President Donald Trump and other political figures that incited the riot which led to the death of five people, including Capitol Police Officer Brian Sicknick; offering our condolences to the family of Officer Sicknick; proclaiming that our democracy is resilient to such violent acts of domestic terrorism.

Sponsors: Schandelmeier, Buckley, Tierney, Savidge and Finlayson

Alderman Schandelmeier moved to adopt R-1-21 on first reader. Seconded. CARRIED on voice vote.

Alderman Arnett requested R-1-21 be referred to the City Council Public Hearing.

Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:27 p.m.

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