



# City of Annapolis

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

## Regular Meeting Minutes - Draft

### City Council

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Monday, February 13, 2023

6:00 PM

Mayor John T. Chambers, Jr.  
City Council Chambers

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#### Regular Meeting

##### Call to Order

**Mayor Buckley called the Regular Meeting to order at 6:00 pm.**

##### Invocation

**Given by Alderman Savidge.**

##### Pledge of Allegiance

**Led by Mayor Buckley.**

##### Roll Call

**Tonight's roll call began with Alderwoman O'Neill.**

**Present:** 9 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

##### Approval of Agenda

**Alderman Schandelmeier moved to amend the agenda to withdraw O-9-22 without objection. Seconded. CARRIED on voice vote.**

##### Approval of Agenda

**Alderman Savidge moved to approve the agenda as amended. The motion carried by the following vote:**

**Aye:** 7 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

**Absent:** 2 - Alderwoman Pindell Charles and Alderman Gay

#### **BUSINESS & MISCELLANEOUS**

##### [ID-6-23](#)

A PROPOSED CLOSED SESSION - Pursuant to the Annotated Code of Maryland, General Provisions, Section, 3-305 (b) (7). Discussion Topic: Office of Law Briefing

**Alderman Arnett moved pursuant to Annotated Code of Maryland, General Provisions Article § 3-305 (b) (7), to go into closed session. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:**

**Aye:** 7 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

**Absent:** 2 - Alderwoman Pindell Charles and Alderman Gay

**The council moved into its closed session at 6:04 pm.**

**The council exited its closed session at 7:01 pm.**

### **Ceremonial Items**

[ID-7-23](#)

Black History Month Proclamation for the City of Annapolis

**This Informational Item was presented.**

[ID-18-23](#)

Special Recognition for the Honorable Carl Snowden

**This Ceremonial Item was presented.**

### **PETITIONS, REPORTS & COMMUNICATIONS**

#### **A. Update from the Mayor**

##### **Mayor Gavin Buckley Council Remarks**

**7 p.m. Feb 23, 2020**

**City Council Chambers**

**First off, I want to thank everyone for the birthday wishes and to Alderwoman Pindell Charles for serving as Acting Mayor late last week and over the weekend while my family took me away on a short holiday. I have heard there are downsides to turning 60, but so far, these past five days have been easy.**

**We have a few personnel changes to announce. At the next council meeting, the City will be introduced to Roslyn Johnson, who I have nominated to run the City Department of Recreation and Parks.**

**Roslyn brings a depth of professional recreation and parks experience from her time in Baltimore City, Baltimore County, and at National Capital Parks. I understand she has already begun her one-on-ones with council members and, so far, reports are positive.**

**It is my goal that we seek accreditation for our parks and that we vigorously pursue outside funding to enhance opportunities for our residents and visitors.**

**Outgoing Director Archie Trader has been an asset to the department, especially in his leadership of youth and recreational programming and his contribution to major projects including the new Truxtun Park Pool and the revitalization of the tennis and pickleball courts and other parks and facilities.**

**I thank Archie for service to the city not only as director, but in his past and future work as well.**

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Last week while I was away, I got a call from Planning and Zoning Director Michael La Place, who announced his intention to step down next month after serving 11 months here. Director La Place came here from Princeton and he will be heading back to be with his family.

Michael, I am sorry the posting in Annapolis didn't work out, but you deserve high praise for the work you have done over the past year. Thank you.

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I'd like to again thank Carl and his family and friends for showing up here today to celebrate his contributions.

As we celebrate Black History Month this year in Annapolis, I'd like to bring to your attention to a few of the special events the City is hosting:

- Earlier this evening we held an artist's reception for Comacell Brown, whose artwork will hang in City Hall for the next few weeks. Thank you Comacell for sharing your talents with us! I encourage people to peruse the exhibit during regular business hours;
- This Saturday from 3 to 7 p.m., is the Maryland Recipe Hunt Collection and Tasting at Pip Moyer Center. It's free and open to the public;
- On February 24, a Black History Month celebration will take place in City Council Chambers and will include music and poetry, special guest speakers and food. That begins at 6 p.m., next Friday and is a ticketed event; please contact my office to register for free tickets.
- Then on Saturday from 2 to 7 pm. again at Pip Moyer Rec Center, we will have the Annapolis 2 Africa event. That's on February 25 and is free and open to the public;
- Every Sunday in February we are presenting historically black churches with special City Council Citations;
- Every day this month on City social media, we have a walking tour of Black History sites around Annapolis; and
- We've got a great video storytelling series. Last week was Moonie Day who talked about his experiences as a singer performing at Carr's Beach back in the day and this week is former Alderwoman Cynthia Carter. These are available on the City's social media channels.

I'd like to thank all our city staff who are working on these events and projects. It is a great way to bring attention to the important contributions of African Americans to both the HISTORY of Annapolis, but also its very bright future!

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Next, I'd like for us to take a moment to think about the devastating earthquakes in Turkey and Syria. The death toll is staggering and the scope of loss unimaginable. Rebuilding will take years and the trauma of this will never entirely go away.

We have residents in our community who are of Turkish and Syrian heritage with friends and family in the region. Please know that we are so sorry for your loss and our hearts are with you in your grief.

I would like for us to take a moment of silence to remember those who have been lost.

[Moment of silence]

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In Annapolis, we have had four pedestrian vs. car incidents since the new year. Two of those have resulted in loss of life. One is looking at many months of rehabilitation.

In two of those incidents, the drivers fled the scene and police are actively seeking information to find and hold the drivers to account.

We must share the road with bicyclists and pedestrians. If you are behind the wheel, you are responsible for what happens.

My administration has been responsive to the cycling community. We are aggressive in seeking grants and outside funding to make connections to meet the goals of the 2011 bicycle master plan.

You should know that, from the moment we receive one of these grants, it is a multi-year process to get from concept to design, to approval through various city, county, state and sometimes federal agencies, all the way to project funding and construction.

For many of these trails, we are seeking easements from private landowners. Even when these bikeways are completed, drivers will still need to be alert to cyclists and pedestrians using and crossing the road.

Last week we hosted the bicycle symposium where members of the cycling community from around the state visited Annapolis and lobbied state legislators for laws and funding for cycling infrastructure. I was proud to stand alongside them in their efforts.

But please, put down your phones. Pay attention to your driving. You don't want to have a grievous injury or death on your conscience – or on your driving record. Especially as we move into nicer weather when we are much more likely to see folks out on the road. Share the road. It's the right thing to do and it is the law.

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The last thing for tonight is the topping out ceremony for our new Hillman Garage. The garage is not yet complete. We are a little more than halfway done. We still anticipate a June reopening.

But what we have reached is the highest vertical point in the construction. The concrete is poured and next week they will remove the tower crane which has stood on the site for almost a year now.

We're getting there and I thank our residents, businesses and visitors for their patience.

At the topping out, I got to walk around the job site. Already, I can see that it is a dramatic improvement. It feels more open and will have all the modern conveniences. From here, the work will involve things like: finishes, painting, electrical, plumbing, and landscaping.

I'd like to share a video of the progress to date.

[throw to Mark Hildebrand]

**STATEMENT BEFORE CITY PUBLIC COMMENT**

Before we ask members of the public to come forward I'd like to remind everyone that Public Comments are governed by the rules for City Council meetings.

This is a listening session: a public hearing and not a public forum. It is not a question and answer session and I caution city council members from responding and engaging with individuals who are here to offer public testimony.

Each speaker is allocated three minutes. At the end of your time, please have the courtesy to listen to the buzzer and allow the next speaker in the queue to come to the podium.

We thank you for your interest in City government and for taking the time to speak to us.

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**THANK YOU.**

**YOUR THREE MINUTES ARE UP.**

**IT IS NOW TIME FOR THE NEXT SPEAKER.**

Response to any questions from the floor:

This is a listening session and we can't answer questions or engage in back and forth. We are here to listen.

## **B. Reports by Committee**

**Standing Committee Dates:**

**Finance Committee Regular Meeting**

**February 15, 2023, 10:30 AM - 12:30 PM**

**Housing & Human Welfare Committee Regular Meeting**

**February 21, 2023, 6:00 PM - 8:00 PM**

## **C. Comments by the General Public**

Comments from the General Public:

**Keanuu Smith-Brown, 1805 Schooner Court, Annapolis, Maryland 21401.**

**Jermaine Jones, 1505 N Bond St, Baltimore, Maryland 21213.**

**Dianne Schatz, 128 Silopanna Road, Annapolis, Maryland 21401.**

**Heidi R Rothenhaus, 198 Action Road, Annapolis, Maryland 21401.**

**Pat Smith, 14 Boxwood Road, Annapolis, Maryland 21401.**

**Tara Stout, 1118 August Drive, Annapolis, Maryland 21403.**

Mayor Buckley declared comments from the general public closed.

## Appointments

### AP-4-23

**Task Force to Study the City Municipal Elections Laws - Members (5)**  
Individuals Selected to Participate: **Mr. John Grudger, Mr. Ian Pfeiffer, Mr. Andrew Miller, Mr. Scott Gibson and Ms. Faye Gaskin.**

**Alderman Schandelmeier moved to confirm AP-4-23. Seconded. CARRIED on voice vote.**

## CONSENT CALENDAR

### Approval of Journal of Proceedings

#### CCM 1.9.2023

Regular Meeting Minutes

**Alderman Schandelmeier moved to approve the Consent Calendar. Seconded. A roll call vote was taken. The motion CARRIED**

#### CCM 1.23.2023

Special Meeting Minutes

**Alderman Schandelmeier moved to approve the Consent Calendar. Seconded. A roll call vote was taken. The motion CARRIED**

### **End of Consent Calendar**

### **Fund Transfers**

#### FT-2-23

General - Public Works - This budget revision transfers \$32,000 from salaries and benefits to contractual services within the Department of Public Works Engineering and Construction division. This will allow the Department of Public Works to continue the contract with Mead & Hunt for traffic engineering services for the remainder of the fiscal year. There are salary savings due to vacancies in the division.

**Alderwoman O'Neill moved to approve FT-2-23. Seconded. CARRIED on voice vote.**

#### FT-3-23

General - Public Works - This budget revision transfers \$49,000 of salaries and benefits (Department of Public Works-Buildings division) and \$27,700 of salaries and benefits (Department of Public Works -Traffic Control and Maintenance division) to contractual services (Department of Public Works-Buildings division). This will allow the Department of Public Works to pay for vent cleaning in City Hall and the Forest Drive Fire Station. There are salary savings due to vacancies in the divisions.

**Alderman Schandelmeier moved to approve FT-3-23. Seconded. CARRIED on voice vote.**

**PUBLIC HEARINGS****[O-11-22](#)**

**Standard Restaurants - B1 District Special Exceptions** - For the purpose of modifying additional standards for food and beverage-related uses in the B1 District that are subject to special exception.

**Sponsors:** Alderwoman O'Neill and Alderman Schandelmeier

**No speakers**

**Mayor Buckley declared the public hearing on O-11-22 closed.**

**Mayor Buckley accepted into the record the Planning Commission Findings dated January 19, 2023.**

**Alderman Schandelmeier referred O-11-22 to the Economic Matters Committee.**

**LEGISLATIVE ACTION****A. First Readers****[CA-1-23](#)**

**Finances - Third Party Indebtedness and Bonds** - For the purpose of allowing the City of Annapolis to issue Third Party bonds; and generally related to City bond authority.

**Sponsors:** Mayor Buckley

**City Manager Mallinoff was present and answered questions from the council.**

**Alderman Schandelmeier moved to adopt CA-1-23 on first reader. Seconded. CARRIED on voice vote.**

**Alderwoman Tierney referred CA-1-23 to the Finance Committee.**

**Mayor Buckley referred CA-1-23 to the Rules & City Government Committee.**

**[O-2-23](#)**

**Budget Target Dates and Financial Impact of Labor Negotiations** - For the purpose of clarifying the timeline for negotiations between the City and employee groups; requiring the Finance Committee to be briefed; technical corrections to the City Budget section of the code; and generally related to the annual city budget schedule requirements.

**Sponsors:** Alderwoman Tierney, Savidge and Alderwoman O'Neill

**Alderman Arnett moved to adopt O-2-23 on first reader. Seconded. CARRIED on voice vote.**

**Mayor Buckley referred O-2-23 to the Rules & City Government Committee.**

**Mayor Buckley referred O-2-23 to the Finance Committee.**

**Mayor Buckley referred O-2-23 to the Financial Advisory Commission.**

[O-3-23](#)

**2023 Redistricting and Revised 'Election Wards' Boundaries** - For the purpose of revising the Annapolis City Council Ward boundaries due to population shifts revealed in the 2020 Census; and generally related to City election wards.

**Sponsors:** Alderwoman O'Neill

**Alderman Gay moved to adopt O-3-23 on first reader. Seconded. A roll call vote was taken. The motion CARRIED unanimously.**

**Aye:** 9 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

**Alderman Savidge requested clear maps and a summary sheet explaining the process going forward be uploaded as attachments to O-3-23.**

**Alderwoman Finlayson referred O-3-23 to the Rules & City Government Committee.**

[R-7-23](#)

**Additional City-supported St. Patrick's Day Events in Fiscal Year 2023** - For the purpose of identifying City-supported events for St. Patrick's Day celebrations in Annapolis; and waiving certain related City fees during Fiscal Year 2023.

**Sponsors:** Alderwoman Tierney and Mayor Buckley

**Alderman Schandelmeier moved to adopt R-7-23 on first reader. Seconded. CARRIED on voice vote.**

**Mayor Buckley referred R-7-23 to the Finance Committee.**

## B. Second Readers

[CA-2-22](#)

**Board of Supervisors of Election** - For the purpose of expanding the Board of Supervisors of Elections from three members to five members.

**Sponsors:** Savidge and Alderman Arnett

**Alderman Gay moved to postpone CA-2-22 for (90) days. Seconded. CARRIED on voice vote.**

[O-52-22](#)

**Streets - Turtle-friendly Curbs** - For the purpose of requiring turtle-friendly curbs in environmentally critical areas of the City; correcting a typo in Title 14; creating a "Streets" chapter and a "Curbs" section in Title 14; and generally related to street curb requirements.

**Sponsors:** Savidge, Alderwoman Pindell Charles and Alderwoman O'Neill

**Alderman Savidge moved to postpone O-52-22 until March 27, 2023. Seconded. CARRIED on voice vote.**

[O-9-22](#)

**Off-Street Parking Requirements - Food Establishments** - For the purpose of eliminating off-street parking requirements for bars, taverns, delicatessens, restaurants, and social clubs; and generally relating to off-street parking requirements.

**Sponsors:** Alderman Schandelmeier and Alderwoman O'Neill

**Alderman Schandelmeier moved to withdraw O-9-22 without objection. Seconded. CARRIED on voice vote.**

**O-25-22**

**Revenue and Finance - Purchasing and Procurement - Prevailing Wage and Local Hiring** - For the purpose of establishing prevailing wage and local hiring provisions applicable to specific types of capital improvement contracts; defining certain terms; adding the types of capital improvement contracts to which general wage provisions apply; allowing wage deductions in particular instances; requiring capital improvement contracts to include specific terms; adding worksite notice requirements; requiring maintenance of certain records relating to prevailing wage requirements; allowing audits and investigations of complaints of violations of overall wage requirements; adding local hiring requirements; adding reporting requirements for prevailing wage and local hiring data; establishing penalties for violations of prevailing wage and local hiring provisions; providing for the applicability of this ordinance; providing for a delayed effective date; generally relating to purchasing.

**Sponsors:** Alderman Schandelmeier

**Alderman Schandelmeier moved to adopt O-25-22 on second reader. Seconded.**

**Alderman Schandelmeier moved to amend O-25-22 as follows:**

**AMENDMENT 1:**

**PURPOSE OF AMENDMENT:** To put the City Manager in charge of administering the

**Prevailing Wage ordinance.**

**On page 3, strike lines 21-28.**

**"DEPARTMENT" MEANS THE FINANCE DEPARTMENT, WHICH WILL ADMINISTER AND ENFORCE THE CITY'S PREVAILING WAGE REQUIREMENTS UNDER THIS TITLE.**

**6. "DIRECTOR" MEANS THE DIRECTOR OF THE FINANCE DEPARTMENT OR THE DIRECTOR'S DESIGNEE WHO ADMINISTERS AND ENFORCES THE CITY PREVAILING WAGE REQUIREMENTS.**

**On page 3, line 21, insert:**

**5. "CITY MANAGER" MEANS THE CITY OF ANNAPOLIS CITY MANAGER OR THEIR DESIGNEE WHO ADMINISTERS AND ENFORCES THE CITY PREVAILING WAGE REQUIREMENTS UNDER THIS TITLE.**

**On pages 3-5, renumber the definitions in numerical order.**

**On page 6 in line 17, page 7 in line 25, on page 8 in lines 19 and 22, on page 9 in line 4, on page**

**11 in line 17, strike "DIRECTOR" and substitute "CITY MANAGER".**

**On page 12, strike lines 17 through 20 and on line 21 strike "3" and insert "2".**

**Seconded. CARRIED on voice vote.**

**Alderman Schandelmeier moved to amend O-25-22 as folloes:**

**AMENDMENT 1A:**

**Second degree amendment to Schandelmeier Amendment 1**

**PURPOSE OF AMENDMENT:** To put the City Manager in charge of administering the Prevailing Wage ordinance and ensure the City Manager is allowed to designate someone else to handle the duty.

Arnett change is in bold below

On page 3, strike lines 21-28.

**“DEPARTMENT” MEANS THE FINANCE DEPARTMENT, WHICH WILL ADMINISTER AND ENFORCE THE CITY’S PREVAILING WAGE REQUIREMENTS UNDER THIS TITLE.**

**6. “DIRECTOR” MEANS THE DIRECTOR OF THE FINANCE DEPARTMENT OR THE DIRECTOR’S DESIGNEE WHO ADMINISTERS AND ENFORCES THE CITY PREVAILING WAGE REQUIREMENTS.**

On page 3, line 21, insert:

**5. “CITY MANAGER” MEANS THE CITY OF ANNAPOLIS CITY MANAGER OR THEIR DESIGNEE WHO ADMINISTERS AND ENFORCES THE CITY PREVAILING WAGE REQUIREMENTS UNDER THIS TITLE.**

On pages 3-5, renumber the definitions in numerical order.

On page 6 in line 17, page 7 in line 25, on page 8 in lines 19 and 22, on page 9 in line 4, on page

11 in line 17, strike "DIRECTOR" and substitute "CITY MANAGER OR HIS/HER DESIGNEE".

On page 12, strike lines 17 through 20 and on line 21 strike "3" and insert "2".

Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 2 – ALD. SCHANDELMEIER**

**PURPOSE OF AMENDMENT:** To eliminate the appeals process.

On page 9 strike lines 18-27 and on page 10 strike lines 1-12, and renumber paragraphs by

striking 4, 5, 6 respectively and substitute 2, 3, and 4.

**2. A CONTRACTOR MAY APPEAL THE DECISION WITHIN 10 WORKING DAYS AFTER RECEIVING A COPY OF THE DECISION.**

**a. THE CONTRACTOR MUST PROVIDE A WRITTEN RESPONSE TO THE CITY’S PROCUREMENT OFFICER.**

**b. WITHIN A REASONABLE TIME AFTER RECEIPT OF THE APPEAL, THE PROCUREMENT OFFICER MAY INVESTIGATE, REQUEST WRITTEN TESTIMONY, OR CONDUCT A HEARING, AS THE PROCUREMENT OFFICER DEEMS NECESSARY FOR THE REVIEW OF THE APPEAL.**

**c. THE DECISION OF THE PROCUREMENT OFFICER ON THE APPEAL IS FINAL AND NOT SUBJECT TO APPEAL.**

**d. IF THE CONTRACTOR DOES NOT APPEAL THE DIRECTOR’S DECISION WITHIN 10 WORKING DAYS AFTER RECEIPT, THE DECISION OF THE DIRECTOR IS DEEMED FINAL AND NOT APPEALABLE.**

**3. IF THE FINAL DECISION OF THE DIRECTOR, OR THE PROCUREMENT OFFICER AFTER APPEAL, IS THAT THE CONTRACTOR HAS VIOLATED THE PROVISIONS OF THIS SECTION AND THAT THE VIOLATION WAS INTENTIONAL, AT THE DISCRETION OF THE DIRECTOR, THE CONTRACTOR, ANY OF THEIR PRINCIPALS, OR ANY FIRM, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ENTITY IN WHICH THAT CONTRACTOR HAS AN INTEREST, MAY NOT BE AWARDED A CITY CONTRACT AND MAY NOT PERFORM ANY WORK ON ANY CITY CONTRACT FOR ONE YEAR FROM THE DATE OF THE FINAL DECISION. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to amended. Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 3:**

**PURPOSE OF AMENDMENT:** To eliminate the Wage Deductions section. On page 6, strike lines 6 through 18 and renumber the sections.

**D. WAGE DEDUCTIONS PERMITTED. A CONTRACTOR MAY MAKE ONLY FAIR AND REASONABLE DEDUCTIONS THAT ARE:**

- 1. REQUIRED BY LAW; AND**
  - 2. AUTHORIZED IN A WRITTEN AGREEMENT BETWEEN THE EMPLOYEE AND THE CONTRACTOR SIGNED AT THE BEGINNING OF EMPLOYMENT THAT:**
    - a. CONCERNS FOOD, SLEEPING QUARTERS, OR SIMILAR ITEMS; AND**
    - b. IS SUBMITTED BY THE CONTRACTOR TO THE DIRECTOR; OR**
    - c. REQUIRED OR ALLOWED BY A COLLECTIVE BARGAINING AGREEMENT BETWEEN A BONA-FIDE LABOR ORGANIZATION AND A CONTRACTOR.**
- Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 4:**

**PURPOSE OF AMENDMENT:** Eliminate the 51% goal for local hiring.

On page 11, 11-13, strike " FILL AT LEAST 51% OF NEW JOBS REQUIRED TO COMPLETE THE CAPITAL IMPROVEMENT CONTRACT OR THE CAPITAL PROJECT WITH" and after "efforts to" insert "HIRE".

**B. LOCAL HIRING. A CONTRACTOR SHALL MAKE BEST EFFORTS TO FILL AT LEAST 51% OF NEW JOBS REQUIRED TO COMPLETE THE CAPITAL IMPROVEMENT CONTRACT OR THE CAPITAL PROJECT WITH HIRE CITY OF ANNAPOLIS OR ANNE ARUNDEL COUNTY RESIDENTS.** Seconded. CARRIED on voice vote.

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 5:**

**PURPOSE OF AMENDMENT:** Clarifying that Prevailing Wage document requests must be

made as required in the Public Information Act Request section of the city code. On page 8 strike lines 26-28 and on page 9 strike lines 1-2. On Page 8 in line 26 insert subsection

"6", "Provisions of Title 6 § 08.081 are subject to the Maryland Public Information Act and requirements of Title 2 § 62, the Public Information Act Requests section of the City code."

**b. SUBJECT TO ANY REQUIRED EXEMPTIONS OR DENIALS UNDER THE ANNAPOLIS PUBLIC INFORMATION ACT OR ANY OTHER APPLICABLE OPEN PUBLIC RECORDS LAWS, SHALL MAKE THE RECORDS AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.**

**6. PROVISIONS OF TITLE 6 § 08.081 ARE SUBJECT TO THE MARYLAND**

**PUBLIC INFORMATION ACT AND REQUIREMENTS OF TITLE 2 § 62, THE PUBLIC INFORMATION ACT REQUESTS SECTION OF THE CITY CODE. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 6:**

**PURPOSE OF AMENDMENT:** Changing staff requirements on record keeping in the legislation from "shall" to "may", and clarifying how to handle public information requests regarding prevailing wage requirements.

On page 8 in line 22, strike "The Director shall" and insert "The City Manager may" and in lines

25-25 strike "not less than".

On page 8 after "b." strike "subject to any required exemptions or denials under the Annapolis

public information act or any other applicable open public records laws, shall make the records

available for public inspection during regular business hours." and insert "The city shall make

capital improvement contract prevailing wage records available to the public upon request

pursuant to the Annapolis Public Information requirements of Title 2 § 62 of the City code."

**5. a. THE CITY MANAGER MAY MAINTAIN PAYROLL RECORDS COVERING A CAPITAL IMPROVEMENT CONTRACT COVERED BY THIS SECTION FOR NOT LESS THAN FIVE YEARS AFTER THE WORK IS COMPLETED; AND.**

**b. SUBJECT TO ANY REQUIRED EXEMPTIONS OR DENIALS UNDER THE ANNAPOLIS PUBLIC INFORMATION ACT OR ANY OTHER APPLICABLE OPEN PUBLIC RECORDS LAWS, SHALL MAKE THE RECORDS AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.**

**THE CITY SHALL MAKE PREVAILING WAGE RECORDS AVAILABLE TO THE PUBLIC UPON REQUEST PURSUANT TO THE ANNAPOLIS PUBLIC INFORMATION REQUIREMENTS OF TITLE 2 § 62 OF THE CITY CODE. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 7:**

**PURPOSE OF AMENDMENT:** Eliminating the requirement for prevailing wage information

to be published on the city website.

On page 10 in lines 24-26 strike "Report. The director shall annually publish and post on the city's

website a report on the operation and compliance with this 26 section." And renumber subsection "L" as

"K".

**K. REPORT. THE DIRECTOR SHALL ANNUALLY PUBLISH AND POST ON THE 25 CITY'S WEBSITE A REPORT ON THE OPERATION AND COMPLIANCE WITH THIS 26 SECTION.**

**L. POLICIES AND GUIDELINES. THE DIRECTOR MAY PROMULGATE SUCH REGULATIONS, POLICIES, AND GUIDELINES AS MAY BE REQUIRED FROM TIME TO TIME FOR THE PROPER IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 7:**

**PURPOSE OF AMENDMENT:** Eliminating the requirement for prevailing wage information

to be published on the city website.

On page 10 in lines 24-26 strike "Report. The director shall annually publish and post on the city's

website a report on the operation and compliance with this 26 section." And renumber subsection "L" as

"K".

**K. REPORT. THE DIRECTOR SHALL ANNUALLY PUBLISH AND POST ON THE 25 CITY'S WEBSITE A REPORT ON THE OPERATION AND COMPLIANCE WITH THIS 26 SECTION.**

**L. POLICIES AND GUIDELINES. THE DIRECTOR MAY PROMULGATE SUCH REGULATIONS, POLICIES, AND GUIDELINES AS MAY BE REQUIRED FROM TIME TO TIME FOR THE PROPER IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to amend O-25-22 as follows:

**AMENDMENT 8:**

**PURPOSE OF AMENDMENT:** To remove a definition section that would require the acquisition of certain property to be subject to the prevailing wage law.

On page 3, strike lines 9-10, and renumber subparagraphs to correspond to the change

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**3. "CAPITAL PROJECT" SHALL MEAN:**

**a. ANY PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT AND ANY PRELIMINARY STUDIES AND SURVEYS RELATIVE THERETO; AND**

**b. THE ACQUISITION OF PROPERTY OF A PERMANENT NATURE FOR PUBLIC USE; AND**

**c. THE PURCHASE OF EQUIPMENT FOR ANY PUBLIC BETTERMENT OR IMPROVEMENT WHEN FIRST CONSTRUCTED. Seconded. CARRIED on voice vote.**

Alderman Schandelmeier moved to adopt O-25-22 as amended on second reader. Seconded. A roll call vote was taken. The motion **DEFEATED** by the following vote:

**Aye:** 4 - Mayor Buckley, Alderwoman Pindell Charles, Alderman Schandelmeier and Alderman Gay

**Nay:** 5 - Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Finlayson, Alderman Savidge and Alderman Arnett

[O-38-22](#)

**Vehicles and Traffic - Stopping, Standing and Parking - Parking Spaces Reserved** - For the purpose of reserving temporary assigned handicapped parking spaces in residential areas for City of Annapolis residents; and generally

dealing with handicapped parking.

**Sponsors:** Alderwoman Tierney

**Alderman Savidge moved to adopt O-38-22 on second reader. Seconded.**

**Alderwoman Tierney moved to amend O-38-22 as follows:**

**AMENDMENT 1:**

**On page 1, in line 36, insert the new paragraph, " A. Purpose. This section allows the city to provide temporary reserved parking for Annapolis residents who receive temporary handicapped parking placards from the state of Maryland, which requires parking near residences for permanently handicapped state residents but not temporarily handicapped residents." and renumber sections A through D.**

**On page 2, in line 6 after "Maryland" add "Transportation" and after "code" strike "§ 13-616" and insert "Title 13 § 616.2".**

**On page 2, in line 8, strike "Establishment of".**

**On page 2, in line 9, after "the" insert "temporarily".**

**On page 2, in line 13, strike "in order".**

**On page 2, in lines 15-16, strike "or license plate"; in line 16 after "disability" insert "as issued by the Maryland Department of Transportation Motor Vehicle Administration (MVA)".**

**On page 2, in lines 16-20 strike "and shall provide a copy of the medical certification submitted to the Department of Motor Vehicles, or a new such certification, which demonstrates eligibility for a DMV disabled license plate or placard".**

**On page 3, in line 2, strike "of the program".**

**On page 3, strike lines 4-28 and renumber sections.**

**On page 4, in lines 7-8, strike "of enough size to fit the designee's vehicle only." and insert "large enough to fit the designee's vehicle, but only their vehicle."**

**On page 4, strike lines 23-30.**

**On page 5, at the end of line 2, insert "The director shall:"; and delete lines 3-4; and renumber accordingly.**

**On page 5, delete lines 11-30.**

On page 6, in line 1, delete "7." and create new subsection "D. Revocation."

On page 6 in line 2 strike "a. In the event that a complaint is made to the Director that:"; insert

"1. A reserved pace is subject to renovation as follows:" and renumber accordingly.

On page 6 in line 8 after "agreement" insert "in Title 12 § 32.141(C)." and delete "by persons residing in or visiting the applicant's household."

On page 6, delete lines 11-27.

On page 6 in line 29, after "finds" delete "by a preponderance of the evidence".

On page 7, in line 2, after criteria add "Title 12 § 32.141(C)".

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**SECTION 12.32.141 - RESERVED RESIDENTIAL DISABLED PARKING NEAR RESIDENCE.**

**A. PURPOSE. THIS SECTION ALLOWS THE CITY TO PROVIDE TEMPORARY RESERVED PARKING FOR ANNAPOLIS RESIDENTS WHO RECEIVE TEMPORARY HANDICAPPED PARKING PLACARDS FROM THE STATE OF MARYLAND, WHICH REQUIRES PARKING NEAR RESIDENCES FOR PERMANENTLY HANDICAPPED STATE RESIDENTS BUT NOT TEMPORARILY HANDICAPPED RESIDENTS.**

**A.B. DEFINITIONS**

**1. "DIRECTOR" MEANS THE CITY MANAGER OR THEIR DESIGNEE FROM A CITY DEPARTMENT OR CITY CONTRACTOR.**

**2. "TEMPORARY DISABILITY" MEANS A DISABILITY AS DEFINED BY A CERTIFIED PHYSICIAN AND COMPLYING WITH HANDICAPPED PARKING PLACARD REQUIREMENTS IN MARYLAND TRANSPORTATION CODE TITLE 13 § 616.2.**

**B.C. ESTABLISHMENT OF TEMPORARY RESERVED RESIDENTIAL PARKING FOR THE TEMPORARILY DISABLED.**

**1. APPLICATION REQUIREMENTS. AN APPLICATION FOR A TEMPORARY RESERVED PARKING SPACE FOR PERSONS WITH DISABILITIES IN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL AREAS MUST PROVIDE THE FOLLOWING CRITERIA IN ORDER TO BE CONSIDERED:**

**a. A STATE OF MARYLAND-ISSUED PLACARD OR LICENSE PLATE FOR TEMPORARY DISABILITY AS ISSUED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE ADMINISTRATION (MVA) AND SHALL PROVIDE A COPY OF THE MEDICAL CERTIFICATION SUBMITTED TO THE DEPARTMENT OF MOTOR VEHICLES, OR A NEW SUCH CERTIFICATION, WHICH DEMONSTRATES ELIGIBILITY FOR A**

**DMV DISABLED PARKING LICENSE PLATE OR PLACARD; AND**

**b. PROOF OF RESIDENCY AT AN ADDRESS IN THE CITY OF ANNAPOLIS; AND**

**c. PROOF THERE IS NO OFF-STREET PARKING AT THE APPLICANT'S RESIDENCE, OR THE APPLICANT MUST DEMONSTRATE THAT EXISTING OFF-STREET PARKING IS NOT FEASIBLE FOR USE BY THE APPLICANT; AND**

**d. SHOW THERE IS A LEGAL PARKING SPACE IN FRONT OF THE ADDRESS; AND**

**e. DEMONSTRATE THAT A VEHICLE IS REGISTERED IN THE CITY OF ANNAPOLIS TO A PERSON WHO RESIDES AT THE ADDRESS REQUESTED; AND**

**f. PAY A FEE TO BE DETERMINED BY THE DIRECTOR TO COVER THE PROGRAM'S COSTS OF THE PROGRAM.**

**2. APPROVAL REQUIREMENTS. THE DIRECTOR MUST DETERMINE THAT LEGAL PARKING IS AVAILABLE IN FRONT OF THE APPLICANT'S ADDRESS, UNDER THE FOLLOWING CONDITIONS:**

**a. THE OWNER OF THE PROPERTY IN FRONT OF WHICH THE RESERVED SPACE IS PROPOSED TO BE LOCATED HAS CONSENTED, IN WRITING, TO SUCH LOCATION; AND**

**b. THERE IS NO:**

**i. FIRE HYDRANT;**

**ii. CITY NO-PARKING REGULATION; OR**

**iii. OTHER SIMILAR IMPEDIMENTS TO PARKING IN FRONT OF THE APPLICANT'S ADDRESS; AND**

**c. THE APPLICANT'S PROPERTY IS OF INSUFFICIENT WIDTH TO ACCOMMODATE THE RESERVED SPACE; AND**

**d. THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE DIRECTOR THAT THE APPLICANT OTHERWISE MEETS THE CRITERIA.**

**3. WAIVERS. IF AN APPLICATION FAILS TO MEET ANY OF THE CRITERIA, IT WILL NOT BE APPROVED UNLESS A WAIVER IS SOUGHT AND APPROVED BY THE DIRECTOR. IF THE APPLICATION IS DENIED, THE APPLICANT SHALL BE NOTIFIED IN WRITING AS TO THE SPECIFIC REASONS FOR THE DENIAL AND SHALL ALSO BE NOTIFIED OF ANY RIGHT TO APPEAL PROVIDED UNDER THIS SECTION. THE DIRECTOR MAY IMPOSE SUCH CONDITIONS ON ANY WAIVER AS THE DIRECTOR DEEMS REASONABLE.**

**4. 2. CREATION OF RESERVES SPACE. ONCE APPROVED, THE CITY**

SHALL INSTALL SIGNS MARKING THE SECTION RESERVED FOR TEMPORARY RESIDENTIAL DISABLED PARKING WITH THE FOLLOWING CONDITIONS:

A. THE NUMBER ON THE SIGN SHALL MATCH THE NUMBER OF THE DESIGNEE'S MVA-ASSIGNED PLACARD;

B. THE SPACE SHALL BE OF ENOUGH SIZE TO FIT THE DESIGNEE'S VEHICLE ONLY. LARGE ENOUGH TO FIT THE DESIGNEE'S VEHICLE, BUT ONLY THEIR VEHICLE;

C. THE SPACE IS FOR TEMPORARY USE ONLY DURING THE DURATION OF THE DISABILITY; IF THE DISABILITY BECOMES PERMANENT, THE DESIGNEE MUST APPLY FOR PERMANENT HANDICAPPED PARKING THROUGH THE STATE.

5. 3. USE OF RESERVED SPACES. THE CITY-DESIGNATED RESERVED RESIDENTIAL PARKING FOR A DISABLED RESIDENT IS RESERVED FOR THE EXCLUSIVE USE OF THE APPROVED APPLICANT.

A. ONLY A VEHICLE WITH THE DESIGNATED PLACARD SHALL PARK IN THE RESERVED SPACE, AND THE PLACARD NUMBER MUST MATCH THE CITY-INSTALLED SIGN AT THE RESERVED SPACE.

B. THE APPLICANT'S VEHICLE IS EXPECTED TO USE THE RESERVED SPACE WHEN PARKED IN THE NEIGHBORHOOD.

C. RESERVED SPACES ARE NOT INTENDED FOR USE BY COMPANIONS EXCEPT WHEN TRANSPORTING PERSONS WITH DISABILITIES AND DISPLAYING A MVA PLATE OR PLACARD WITH THE SAME NUMBER AS ON THE SIGN OF THE DESIGNATED SPACE.

D. USE OF THE PARKING SPACE BY OTHER PERSONS WHEN NOT TRANSPORTING THE PERSON WITH A DISABILITY IS A PARKING VIOLATION THAT CARRIES A \$100 TO \$500 FINE.

6. 4. ADMINISTRATIVE PROCEDURES. ALL APPLICATIONS MUST BE SUBMITTED TO THE DIRECTOR FOR CONSIDERATION AND REVIEW. THE DIRECTOR SHALL:

A. THE DIRECTOR SHALL:

i. EVALUATE ELIGIBILITY CRITERIA; AND

ii.a. VERIFY THE VALIDITY OF THE DISABLED PARKING LICENSE PLATE OR PLACARD; AND

iii. b. VERIFY VEHICLE REGISTRATION; AND

iv. c. CONFIRM RESIDENCY;

v. d. DETERMINE AVAILABILITY OF OFF-STREET AND ON-STREET PARKING; AND

vi. ENSURE CONFORMANCE TO THE TERMS OF THIS SECTION IN MAKING A DECISION.

b. CHALLENGES THAT AN EXISTING OFF-STREET PARKING SPACE IS NOT FEASIBLE FOR USE BY THE APPLICANT DUE TO A LACK OF AVAILABLE SPACE ON THE BLOCK SHALL BE SUBMITTED TO THE DIRECTOR FOR REVIEW;

c. THE DIRECTOR SHALL IMPLEMENT PROCEDURES TO ENSURE THE CONFIDENTIALITY OF ANY MEDICAL INFORMATION SUBMITTED BY AN APPLICANT, INCLUDING MVA MEDICAL CERTIFICATIONS, WHICH SHALL AT MINIMUM PROVIDE FOR THE MAINTENANCE OF SUCH INFORMATION IN A SEALED FILE, WITH ACCESS PERMITTED ONLY TO THE DIRECTOR

AND CERTAIN CITY EMPLOYEES ON A NEED-TO-KNOW BASIS; MEDICAL INFORMATION SUBMITTED BY AN APPLICANT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER FREEDOM OF INFORMATION ACT (FOIA) REQUESTS, AND SHALL NOT BE SUBJECT TO DISCRETIONARY RELEASE.

d. ONCE A DECISION HAS BEEN MADE ON AN APPLICATION, ACCESS SHALL BE PERMITTED ONLY ON THE WRITTEN AUTHORIZATION OF THE DIRECTOR OR ACTING DIRECTOR.

7.

D. REVOCATION.

1. A RESERVED SPACE IS SUBJECT TO REVOCATION AS FOLLOWS:

a. IN THE EVENT THAT A COMPLAINT IS MADE TO THE DIRECTOR THAT:

I a. THE APPLICANT NO LONGER SATISFIES THE ELIGIBILITY CRITERIA; OR

li b. THE SPACE IS BEING REPEATEDLY USED IN A MANNER CONTRARY TO THE AGREEMENT IN TITLE 12 § 32.141(C). BY PERSONS RESIDING IN OR VISITING THE APPLICANT'S HOUSEHOLD.

b. THE DIRECTOR WILL CONDUCT A PRELIMINARY INQUIRY TO DETERMINE IF THE COMPLAINT IS SUPPORTED BY SUBSTANTIAL AND CREDIBLE EVIDENCE.

c. IF THE DIRECTOR FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE SPACE IS BEING REPEATEDLY USED IN A MANNER CONTRARY TO THE AGREEMENT BY PERSONS RESIDING IN OR VISITING THE APPLICANT'S HOUSEHOLD:

i. THE APPLICANT WILL BE NOTIFIED IN WRITING OF THE NATURE AND SPECIFICS OF THE COMPLAINT AND MUST PROVIDE A RESPONSE WITHIN 45 DAYS TO THE CITY MANAGER OR DESIGNEE.

ii. THE APPLICANT AND COMPLAINANT(S) SHALL HAVE THE RIGHT TO APPEAR BEFORE THE DIRECTOR, UPON 15 DAYS' WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING, AND BE HEARD IN PERSON OR BY COUNSEL, BUT SUCH HEARING SHALL BE CONDUCTED IN AN INFORMAL MANNER.

d. 2. THE DIRECTOR SHALL REVOKE A RESERVED PARKING SPACE DESIGNATION IF THE DIRECTOR FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT DID NOT, OR DOES NOT CONTINUE TO, MEET THE REQUIRED CRITERIA IN TITLE 12 § 32.141(C).

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates new matter being added to existing law.

Strikethrough indicates matter stricken from the bill.

Underlining indicates revisions to the bill. Seconded. CARRIED on voice vote.

Alderman Savidge - Cosponsor added

Alderman Schandelmeier moved to adopt O-38-22 as amended on second reader. Seconded. CARRIED on voice vote.

Alderman Tierney moved to adopt O-38-22 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

**Aye:** 9 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

[O-51-22](#) **Floodplain Management - Amending the Floodplain Management Code**

- For the purpose of improving compliance with the Federal Emergency Management Agency (FEMA) model floodplain management code; and generally related to floodplain management.

**Sponsors:** Mayor Buckley, Alderwoman Tierney, Alderman Schandelmeier and Gay

**Alderman Savidge moved to adopt O-51-22 on second reader. Seconded. CARRIED on voice vote.**

**Alderman Arnett moved to adopt O-51-22 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:**

**Aye:** 9 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

[R-50-22](#)

**Rocky Gorge Development Emergency Action** for the purpose of addressing the Rocky Gorge Development's "Aris T. Allen Boulevard" project, a 23-acre site platted for 48 single-family housing units; calling for an immediate stop work order on site development, and requiring a report on the project.

**Sponsors:** Alderwoman Finlayson

**Alderwoman Finlayson moved to postpone R-50-22 for (30) days. Seconded. CARRIED on voice vote.**

[R-2-23](#)

**Restaurant Parking Lot Usage Pilot Program Extension for Outdoor Dining** - For the purpose of directing the City Manager to extend the Annapolis Outdoor Dining Pilot Program, allowing restaurants to use privately-owned parking lots for outdoor dining for one year.

**Sponsors:** Alderman Arnett, Gay, Alderwoman O'Neill and Mayor Buckley

**Alderman Arnett moved to adopt R-2-23 on second reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:**

**Aye:** 9 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

[R-3-23](#)

**Code of Civility** - For the purpose of establishing a Code of Civility setting forth how members of the Annapolis City Council and all boards, committees, and commissions appointed by the Council shall treat one another, staff, constituents, and members of the public, and establishing regulations for those attending public hearings or forums to maintain proper order and decorum.

**Sponsors:** Mayor Buckley, Savidge, Alderwoman O'Neill, Alderwoman Finlayson, Alderwoman

Pindell Charles and Alderman Arnett

**Alderman Arnett moved to adopt R-3-23 on second reader. Seconded.**

**City Manager Mallinoff was present and answered questions from the council.**

**Mayor Buckley moved to amend R-3-23 as follows:**

**Amendment #1**

1) On page 2, in line 1, after "that", strike uppercase "M" and insert lowercase "m".

2) On page 2, in line 15, after "Council", strike lowercase "m" and insert uppercase "M".

3) On page 2, in line 25, after "City", strike lowercase "c" and insert uppercase "C"; and

after "Council", strike lowercase "m" and insert uppercase "M". **Seconded.**

**CARRIED on voice vote.**

**Alderman Schandelmeier moved to amend R-3-23 as follows:**

**Amendment #2:**

**In Line 37, Add "Members shall not spread disinformation regarding legislation, resolution or actions." A roll call vote was taken. The motion DEFEATED by the following vote:**

**Aye:** 2 - Alderman Schandelmeier and Alderman Gay

**Nay:** 7 - Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Savidge and Alderman Arnett

**Alderman Arnett moved to adopt R-3-23 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, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Savidge and Alderman Arnett

**Nay:** 1 - Alderman Gay

## **Adjournment**

**Upon motion duly made, seconded and adopted, the Special Meeting was adjourned at 9:27 pm.**

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