



# City of Annapolis

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

## Regular Minutes - Final

### City Council

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Monday, February 12, 2018

7:00 PM

Mayor John T. Chambers, Jr.  
City Council Chambers

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#### Call to Order

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

#### Invocation

Given by Alderwoman Pindell Charles.

#### Pledge of Allegiance

Led by Mayor Buckley.

#### Closed Session Statement:

Pursuant to the requirement of the Annotated Code of Maryland, General Provisions Article§ 3-305 (b) (7) this statement is included in these minutes:

A closed session of the City Council was held on Monday, February 12, 2018 at 5:42 p.m. in the Mayor John T. Chamber, Jr., City Council Chamber, 160 Duke of Gloucester Street, 2nd Floor, Annapolis, Maryland 21401

#### Members who voted to meet in the Closed Session:

Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

#### Persons attending the Closed Session:

Assistant City Attorney Elson, Attorney Berger, City Clerk Watkins-Eldridge and City Manager Andrews.

A roll call vote was taken by the members present, and the session was closed. The authority under which the session was closed was the Annotated Code of Maryland, General Provisions Article§ 3-305 (b) (7) the purpose of the meeting was to review current litigation in which the city is a party.

No votes were taken in the closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 5:44 p.m.

#### Roll Call

**Tonight's roll call began with Alderwoman Finlayson.**

- Present:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett
- Absent:** 1 - Alderwoman Henson

## Approval of Agenda

**Alderman Arnett moved to approve the agenda. Seconded. CARRIED on voice vote.**

**Ceremonial Items**

## City Council Citation - Dr. Eleanor Harris

**Presented.**

**Appointments**[AP-1-18](#)

*City Attorney Confirmation - Remarks from Mr. Melnick:*

*Good evening, Mayor Buckley, and the Aldermen and Alderwomen of the Annapolis City Council [alphabetically-- Finlayson, Henson, Paone, Pindell-Charles, Rodriguez, Ross, Savidge, and Tierney]*

*I am honored to come before you this evening for your consideration and confirmation regarding the position of City Attorney for the great City of Annapolis. After speaking with each of you prior to this session regarding the issues facing the City, I am determined and excited to utilize and build upon my 32 years of experience as an attorney, in leading the City's Office of Law. In doing so, I plan to provide the Mayor and City Council with outstanding legal representation and advice.*

*During the past 30 years, I have handled hundreds of cases, which involved just about every issue addressed by a government office of law, while with the Montgomery County Office of the County Attorney. As noted on my resume, I have successful experience in a wide range of substantive areas of the law. For 14 years, I litigated all types of matters for the County and other members of its Self-Insurance Fund, regarding common law, statutory, and constitutional torts, as well as other types of complex litigation.*

*Then, for 15 years, I led the Offices Procurement, Contract, and Commercial Law Unit, during which time I: drafted and negotiated hundreds of high-dollar value contracts for goods, services, and construction, including technology software development and licensing agreements, for more than 60 agencies. I also developed procurement laws, regulations, processes and policies; provided legal advice; and litigated solicitation protests and contract disputes. Further, I represented the County's Contract Review Committee in addressing extraordinary contract issues for the Chief Administrative Officer.*

*I have handled numerous matters before the County's Board of Appeals, in Circuit Court, and the Court of Special Appeals, involving appeals from environmental, sediment control, storm water management, building code, and zoning law notices of violations.*

*This includes condemnation and destruction orders and actions related to property posing a danger to the County's health, safety, and welfare, as well as defending zoning actions, including those seeking variances, and special exceptions.*

*I led the effort to draft the current County Procurement Laws and Regulations. My skills in these areas should help in evaluating and possibly modifying parts of Annapolis' City Code and Zoning Ordinance, as needed.*

*My leadership style is team-oriented, with an emphasis on: communication; relationships; identifying strengths and weaknesses; problem-solving; efficiently and effectively using financial and human resources to meet the organizations needs; motivating and encouraging team members to undertake challenges and stretch their limits; treating people with respect, and as accountable professionals; and, assisting each team member to perform confidently and to the best of their abilities.*

*I look forward to getting to know each and every one of you, and to working with you to make Annapolis an even better place to live, work, and visit. Economic Development, Historic Preservation, human rights and relations, ensuring equity, diversity and inclusion, the environment, public safety, zoning, building, transportation and roads, finances, and risk management are some of the issues that impact the City. I look forward to the opportunity to apply my strong legal experience, knowledge, understanding, integrity, ethics, motivation, communication, and team approach to enhance "Team Annapolis", by working with you-- the Mayor and City Council-- as well as Directors and employees of the City's various agencies, and my co-workers in the Office of Law, to meet the City's objectives.*

*Thank you, Mayor and City Council members, for your positive consideration of my candidacy to serve as Annapolis' City Attorney.*

**Alderman Arnett moved to approve the Mayor's confirmation of Richard H. Melnick as City Attorney. Seconded. CARRIED on voice vote.**

**Pursuant to Article IX, Miscellaneous Provisions, Sec. 1. Mayor Buckley administered the Oath of Office to Richard Melnick.**

## **Petitions, Reports and Communications**

### **A. Reports by Committee**

**Standing Committee Dates:**

**2/13/18 Rules and City Government Committee**

**When: 4:00 PM - 5:30 PM**

**2/14/18 Finance Committee**

**When: 10:30 AM - 12:30 PM**

**3/8/18 Environmental Matters Committee**

**When: 1:30 PM - 2:30 PM**

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

*Robert Eades, 32 Pleasant Street, Annapolis, Maryland 21401 spoke on the Mayor's Music Festival being scheduled the same time as Kunta Kinte Festival, Taxi Cab Parking Spaces, Parking Enforcement Officers and ticketing.*

*Deonte Ward, 705 B Newtowne Drive, Annapolis, Maryland 21401 representing "Young Black and American Art Exhibit in City Hall tonight spoke on the Vision Workshop.*

*Sveinn Storm, 130 Dock Street, Annapolis, Maryland 21401 spoke on the ordinance O-5-18 and the 2/9/18 proposed New Market House, LLC Lease.*

*Bob Schwartzberg, 47 Randall Street, Annapolis, Maryland 21401 representing the Big Cheese spoke on the ordinance O-5-18 and the 2/9/18 proposed New Market House, LLC Lease, the history of the Market House and a petition containing 22,000 signatures.*

**Mayor Buckley declared comments by the general public closed.**

### **C. Update from the Mayor**

*Topics:*

*Confirmation of Richard Melnick as City Attorney*

*Recognition of Black History Month - African American Culture and History*

*Frederick Douglass being an important figure in American History*

*Charles Douglass being the founder of Highland Beach*

*The Debut of the Bates, Center of Excellence 7 Memories of Bates Teachers Bates Legacy Center*

*Passing of Eddy Mc Gowan - founder of the Annapolis Irish Festival and World*

*Famous Santa Speedo Run*

**Mayor Buckley presented his biweekly update:**

### **Public Hearings Cont.**

#### **O-3-18**

**Abandoned Vehicles** - For the purpose of permitting an authorized agent of the City of Annapolis to exercise limited enforcement authority in the impoundment of abandoned vehicles; establishing a fine for leaving wrecked or nonoperating vehicles on public property; and matters generally relating to the abandonment of vehicles.

**Sponsors:** Tierney

*Spoke in Support:*

*Patricia Smith, 14 A Boxwood Road, Annapolis 21403*

*Heidi Rothenhaus, 198 Acton Road, Annapolis 21403*

*No one else from the general public spoke in favor of or in opposition to the ordinance.*

**Mayor Buckley declared the public hearing on O-3-18 closed.**

### **Public Hearings**

#### **O-4-18**

**Plumbing Code Updates and Amendments** - For the purpose of adopting the International Plumbing Code; prohibiting underground use of foam core waste lines; and matters generally relating to updating and amending Chapter 17.28 of the Code of the City of Annapolis.

**Sponsors:** Buckley

*No one from the general public spoke in favor of or in opposition to the ordinance.*

**Mayor Buckley declared the public hearing on O-4-18 closed.**

### **Consent Calendar**

## Approval of the Consent Calendar

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

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

[CCM010818](#) Regular Meeting Minutes

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

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

[CCM012218](#) Special Meeting Minutes

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

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

[GT-11-18](#) Transfer From: APD Benefits Transfer To: APD Supplies; APD Contract Services

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

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

## First Readers

[O-7-18](#) **Board of Port Wardens - Appeals** - For the purpose of clarifying the appropriate procedure for an appeal of a decision of the Board of Port Wardens; making minor technical corrections to the rules of procedure for any such appeal; and matters generally relating to appealing a decision of the Board of Port Wardens.

**Sponsors:** Arnett

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

**Mayor Buckley referred to the Economic Matters Committee.**

**Mayor Buckley referred to the Board of Port Wardens.**

**R-5-18**

**Opposing Oil and Gas Development Off Maryland's Shores** - For the purpose of expressing the City of Annapolis's opposition to offshore oil and gas drilling and exploration activities, including seismic air gun blasting.

**Sponsors:** Savidge

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

**R-6-18**

**Itinerant Merchant Sales in the Historic District - 2018** - For the purpose of authorizing hawker, peddler, and itinerant merchant sales in the Historic District in conjunction with certain special events during calendar year 2018.

**Sponsors:** Tierney

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

**Mayor Buckley referred to the Economic Matters Committee.**

**R-7-18**

**City Sponsored Special Events in Fiscal Year 2019** - For the purpose of identifying City Sponsored Special Events and waiving certain related City Fees during Fiscal Year 2019.

**Sponsors:** Tierney

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

**Mayor Buckley referred to the Economic Matters Committee.**

**Mayor Buckley referred to the Finance Committee.**

**Second Readers**

**R-3-18**

**Prescription Drug Affordability Initiative** - For the purpose of supporting the

goals of the Maryland Citizens' Health Initiative and calling on the State of Maryland to implement its three commonsense ideas to improve our citizens' access to essential prescription drugs.

**Sponsors:** Rodriguez, Buckley, Savidge, Tierney, Arnett, Henson, Finlayson and Pindell Charles

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

#### **R-4-18**

**Maryland Clean Energy Jobs Initiative** - For the purpose of supporting the goals of the Clean Energy Jobs Initiative and calling on the State of Maryland to implement its proposals to improve our citizens' access to clean energy jobs.

**Sponsors:** Rodriguez, Buckley, Savidge, Tierney, Arnett, Henson, Finlayson, Pindell Charles and Paone

**Aye:** 8 - Mayor Buckley, Alderwoman Tierney, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Absent:** 1 - Alderwoman Henson

### **End of Consent Calendar**

### **Change in Meeting Chair**

**Mayor Buckley requested that Aldermen Rodriguez preside over the meeting during his absence at 8:13 p.m.**

### **Legislative Action**

#### **Second Readers**

#### **O-5-18**

**Lease of the Market House - New Market House, LLC** - For the purpose of authorizing the lease of the Market House to New Market House, LLC, the Master Tenant for a certain period of time, subject to certain terms, provisions and conditions; and matters generally relating to said lease.

**Sponsors:** Arnett, Paone, Finlayson and Rodriguez

**Alderman Arnett moved to adopt on second reader. Seconded.**

**Alderman Arnett moved to amend O-5-18 as follows: to include the O-5-18 New Market-MHLease-FINALRevised-2018-02-09. Seconded. CARRIED on voice vote.**

**Alderman Rodriguez moved to amend O-5-18 as follows:New Market House, LLC Lease Agreement**

**Aldermen Rodriguez and Arnett Proposed Amendments 02-12-2018**

**Amendment No. 1:**

**Page 2, line 5, after the semicolon insert "and"**

**Amendment No. 2:**

Page 2, lines 8 through 11, after "violations" delete "; and (iii) Maintained an exemption status for the Tenant's leasehold interest in the Premises with the Maryland State Department of Assessments and Taxation as a "public market" throughout the Term"

Amendment No. 3:

Page 2, line 17 after "Lease" insert "shall be for successive term(s) of five (5) years each, and "; line 18 delete "amendment to this Lease" insert "Notice between the City and the Tenant"

Amendment No. 3 as amended:

d. Any additional renewals of this Lease shall be for successive term(s) of five (5) years each, and shall be mutually agreed upon through a written Notice between the City and the Tenant.

Amendment No. 4:

Page 5, line 6 after "1.05" strike "%". Seconded. CARRIED on voice vote.

Alderman Pindell Charles moved to amend O-5-18 as follows: To amend Attachment B, New Market House, LLC, Business Summary - February 9, 2018, Mission Statement to ADD the following: Our Mission:

- Be a catalyst for the revitalization of City Dock, and the greater Downtown area.
- Be a good neighbor to the residents of Annapolis.
- Be a good steward of this important historic landmark and restore it to its position as a vibrant center of commerce and meeting place for locals and visitors alike.

"We will engage the community and surrounding businesses in order to make the Market House, the City's Market House."

- We want the Market House to "not only" be the gateway to the City of Annapolis", but also to create a market that is relevant to and will attract people who live here, and" that will "proudly display" "STRIKE THE WORD emphasize" the bounty of Annapolis, Anne Arundel County, "STRIKE the word "and" Maryland "ADD "and the world."

- We look forward to a long, successful partnership with the City of Annapolis, the local community, and its many visitors. Seconded. CARRIED on voice vote.

Alderman Savidge moved to amend O-5-18 as follows: Savidge Proposed Amendment to the lease dated 2/9/18, on page 6, in line 28, INSERT after the word tenant "and the City will work with the Tenant to take any appropriate steps to appeal such real property taxation and/or assessment." Seconded. CARRIED on voice vote.

Alderman Savidge moved to amend O-5-18 as follows: On page 6, in section titled: 7 Taxes (a) after "tenant, INSERT "and the City will work with the Tenant to take any appropriate steps to appeal such real property taxation and/or assessment. Further, should the annual assessment of state and county real property taxes against the Tenant's leasehold estate under this Lease exceed the amount of Eleven Thousand Dollars (\$11,000.00), the City will reasonably cooperate with the Tenant to modify this Lease to provide a credit against Basic Rent for the amount of state and county real property taxes paid by Tenant that exceeds Eleven Thousand Dollars (\$11,000.00)". Seconded. DEFEATED on voice vote.

Alderman Pindell Charles moved to amend O-5-18 as follows: To change throughout the ordinance O-5-18, to Delete "New Market, LLC" and INSERT "NEW MARKET HOUSE, LLC". Seconded. CARRIED on voice vote.



**Alderman Savidge moved to adopt O-5-18 as amended on second reader. Seconded. CARRIED on voice vote.**

**Alderman Savidge moved to adopt O-5-18 on third reader. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:**

**Aye:** 5 - Alderwoman Tierney, Alderwoman Pindell Charles, Alderman Rodriguez, Alderman Savidge and Alderman Arnett

**Nay:** 1 - Alderman Paone

**Out of Room:** 1 - Mayor Buckley

**Absent:** 1 - Alderwoman Henson

**Abstain:** 1 - Alderwoman Finlayson

## **Legislative Action**

### **First Reader**

#### **[O-8-18](#)**

**Adequate Public Facilities - Adequate School Facilities - Standards -** For the purpose of amending the test for additional school capacity by requiring schools with enrollment greater than ninety five percent of the State-Rated Capacity to be listed as closed on the annual school utilization chart; and matters generally relating to adequate school facilities.

**Sponsors:** Arnett, Savidge and Rodriguez

**Alderman Arnett moved to adopt O-8-18 on first reader. Seconded. CARRIED on voice vote.**

**Alderwoman Pindell Charles requested the record reflect her abstention from the vote on O-8-18.**

**Mayor Buckley referred to the Rules & City Government Committee.**

**Mayor Buckley referred to the Transportation Committee.**

### **Adjournment**

**Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:57 p.m.**

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