



Legislation Details (With Text)

**File #:** O-17-17      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 3/10/2017      **In control:** City Council

**On agenda:** 4/24/2017      **Final action:** 4/24/2017

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

**Sponsors:** Joe Budge

**Indexes:** Economic Matters Committee, Finance Committee

**Code sections:**

**Attachments:** 1. O-17-17 Market House Code Amendments.pdf, 2. O-17-17 Staff Report.pdf, 3. O-17-17 Redlined Version of Market House Code Amendments.pdf, 4. O-17-17 Fiscal Impact.pdf, 5. Market House c1980.jpg, 6. O-17-17 Proposed Budge Amendment.pdf, 7. O-17-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
4/24/2017	1	City Council	adopt on second reader	Pass
4/24/2017	1	City Council	amendment(s) approved	Pass
4/24/2017	1	City Council	amendment(s) approved	Pass
4/24/2017	1	City Council	amended	Pass
4/24/2017	1	City Council	adopt on third reader	Pass
4/24/2017	1	City Council	amendment(s) approved	Pass
4/10/2017	1	Economic Matters Committee	recommend favorably	Pass
4/4/2017	1	Finance Committee	recommend favorably	Pass
3/27/2017	1	City Council	declare the public hearing closed	
3/15/2017	1	City Council	adopt on first reader	Pass
3/15/2017	1	City Council	refer	
3/15/2017	1	City Council	refer	

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

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 17-17**

**Introduced by: Alderman Budge**

**Referred to  
Economic Matters Committee  
Finance Committee**

AN ORDINANCE concerning

**Market House Amendments**

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

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

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

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

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

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

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

**NOW, THEREFORE,**

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**TITLE 7 - BUSINESS LICENSES, TAXES AND REGULATIONS**  
**CHAPTER 7.28 - MARKETS**

**7.28.010 - Open-air market.**

- A. An open-air market is created within the area located between the premises known as 110 Compromise Street, along Compromise Street to the intersection of Market Space, excluding the Alfred A. Hopkins Plaza and sidewalks located immediately adjacent to the Market House, for persons selling products or commodities that are produced, caught or raised by them, provided they are not employees of others.
- B. All sales shall be conducted from within spaces prepared and set aside by the City to be rented to those merchants desiring to sell products or commodities at the open-air market. The amount of the rental fee shall be determined, from time to time, by the City Council, by resolution. No more than two spaces

shall be rented to any one merchant. Designated spaces may be rented by merchants not using vehicles at the same rental rate. All merchants shall remove their stands and produce from the sidewalks each evening by ten p.m. The removal of greenery and stands shall not apply to the period in which Christmas articles are being sold. Stands and merchandise shall be arranged so as to not block or impede pedestrian or vehicular traffic.

C. The Market House shall be operated as a public purpose retail facility which offers fresh products and services of high quality by local and regional vendors, priced to appeal to a range of customers, and which preserves and promotes the authentic character of the building as an historic structure and public gathering place. Retail sales shall specialize in a fresh food market emphasizing vendors with a connection to the Chesapeake Bay region and other items commonly found in public markets. WITH THE AUTHORIZATION OF THE CITY MANAGER, OR HIS OR HER DESIGNEE, AND SUBJECT TO TERMS AND CONDITIONS APPROVED BY THE CITY MANAGER, OR HIS OR HER DESIGNEE, THE MARKET HOUSE TENANT OR SUB-TENANTS, MAY ESTABLISH AN OPEN-AIR MARKET IN ANY AREA OF THE ALFRED A. HOPKINS PLAZA OR ON ANY PART OF THE SIDEWALK AND PARKING AND LOADING AREAS ADJACENT TO THE MARKET HOUSE, WHERE VENDORS MAY SELL PRODUCE AND OTHER GOODS, WHETHER PRODUCED, CAUGHT OR RAISED BY SUCH VENDORS OR BY OTHERS. THE CITY MANAGER, OR HIS OR HER DESIGNEE, UPON PROVIDING ADVANCE NOTICE TO THE VENDORS, SHALL HAVE THE UNCONDITIONAL RIGHT TO WITHDRAW USE OF ANY AREA DESIGNATED FOR OPEN-AIR MARKET PURPOSES, EITHER TEMPORARILY OR PERMANENTLY.

**7.28.020 - Market House policy.**

- A. The policies set forth in this section shall govern the selection of tenants, management and operation of the Market House, including the Alfred A. Hopkins Plaza located immediately adjacent to the Market House and the sidewalks and parking and loading areas immediately adjacent to the Market House, located at ~~the City dock~~. MARKET SPACE.
- B. The operation of the Market House shall not be subsidized by the EXPENDITURE OF general funds of the City, except that the City shall be responsible for maintenance and repair of the ~~heating and air-conditioning system~~, roof, structural elements of the Market House, and exterior surfaces of the structure which may include debt service. The City's expenditures related to the maintenance of the Market House shall be budgeted in the annual budget of the City according to generally accepted accounting principles ~~customarily employed for enterprise funds~~.
- C. The Market House shall be operated as a mercantile enterprise in a clean, safe and visually attractive environment, specializing in a fresh food market with a preference to local and regional vendors, providing items commonly found in public markets.
- DC. The Market House shall be managed and operated to attract and serve the needs of a diverse clientele consisting of:
1. Residents;
  2. Workers employed in the vicinity of the City;
  3. Day visitors;
  4. Extended visitors;
  5. Special-events visitors; and
  6. Transient boaters.

- E. A similarity in types of merchants and types of merchandise offered for sale shall be avoided in the consideration of tenant selection for the Market House so that patrons may be offered a variety of products. During the tenant selection process, consideration also shall be given to a prospective tenant's ability and willingness to comply with the policies set forth in Subsection F of this section.
- ED. THE MARKET HOUSE SHALL BE OPERATED AS A RETAIL FACILITY WITH A FOCUS AS A PUBLIC AMENITY WHICH OFFERS FRESH PRODUCTS AND SERVICES OF HIGH QUALITY FROM LOCAL AND REGIONAL SOURCES, PRICED TO APPEAL TO A RANGE OF CUSTOMERS, AND WHICH PRESERVES AND PROMOTES THE AUTHENTIC CHARACTER OF THE BUILDING AS A MARKET, AN HISTORIC STRUCTURE AND PUBLIC GATHERING PLACE.
1. RETAIL SALES MAY INCLUDE PRODUCE, MEATS, DAIRY, BAKED GOODS AND OTHER PERISHABLE GROCERIES, DRY GROCERIES, HOUSEHOLD ITEMS, FLOWERS, FOOD AND BEVERAGES PREPARED FOR HOME OR OFFSITE CONSUMPTION, AND FOOD AND BEVERAGES THAT ARE IMMEDIATELY CONSUMABLE.
  - F2. Foods and products offered for sale in the Market House generally shall be of the highest quality and shall be displayed and offered for sale in a manner that will not interfere with the movement of shoppers or the right of other tenants nor create unnecessary visual clutter. For prepared foods, an emphasis should be placed upon those types of items which are generally too difficult or time-consuming for personal preparation.
  3. THE TENANT SHALL MAINTAIN A CLEAN, SAFE AND CONSISTENT ENVIRONMENT IN AND AROUND THE MARKET HOUSE.
- GE. Subject to the availability of funds, the City may elect to hire a Market House Manager or retain a Market House management firm with demonstrated experience in retail management. The Public Works Director CITY MANAGER, or his or her designee, shall supervise the Market House Manager or management firm LEASE. If hired, the Market House Manager or management firm shall manage the leases and lease relationships with the vendors.
- HF. The Market House Manager, on behalf of the vendors in the Market House, TENANT OR APPROVED SUB-TENANTS may place tables and chairs inside the Market House for use by Market House customers.
- IG. Any portion of the Alfred A. Hopkins Plaza, and the sidewalks adjacent to the Market House, may be designated by the Public Works Director CITY MANAGER, or his or her designee, as an area that may be used by the vendors TENANT OR APPROVED SUB-TENANTS, on a non-exclusive basis, as a sidewalk cafe, subject to the conditions and requirements of Section 7.28.020.H.
- JH. The Market House Manager, on behalf of the vendors in the Market House, TENANT OR APPROVED SUB-TENANTS may establish a sidewalk cafe with tables and chairs ("furniture") on the sidewalk adjacent to the dock side of the Market House and in designated areas of the Alfred A. Hopkins Plaza, subject to Section 7.28.020.I and subject to permitting and the conditions and requirements of Chapter 7.42 with the exception of the standard for the prohibition of exclusively carry-out transactions under Section 7.42.020.G. Customers of the Market House may purchase food and beverages inside the Market House and consume them at the sidewalk cafe.

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

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

J. THE CITY SHALL ACCOUNT FOR THE MARKET HOUSE AS A REVOLVING FUND WHICH WILL BE INCLUDED AS A GOVERNMENTAL FUND. ALL REVENUES AND EXPENDITURES ASSOCIATED WITH THIS FUND SHALL BE REFLECTED AND FURTHER REPORTED TO THE CITY COUNCIL ON AN ANNUAL BASIS IN CONJUNCTION WITH THE ANNUAL AUDIT.

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

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.