



City of Annapolis

Annapolis Transportation Board

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Annapolis Transportation Board Meeting Minutes

June 15, 2020

The Regular Meeting of the Annapolis Transportation Board (ATB) was held 7 PM Monday June, 2020 online via Zoom. A video recording of the meeting is posted at <https://www.youtube.com/watch?v=juLk61-CY7Q>

Present: Members Kurt Riegel (Chair), Beth Dolezal (Vice Chair), Carol Kelly, Thomas R. Rekus, David DiQuinzio, Zoe Johnson, Charles Brooks, Cara Fleck Plewinski, City Staff Kwaku Agyemang-Duah (Deputy Director Department of Transportation), Ashley Leonard, (Office of Law).

The meeting was called to order and the agenda was approved, as were the minutes of the May 18, 2020 ATB meeting.

Chairman Riegel has been nominated by Councilwoman Rodvien for reappointment to the Bay Bridge Reconstruction Advisory Group. He views it as an opportunity to advocate constructive changes in bridge management to improve transportation diversity and resilience, for example innovations like surge toll pricing. He has been appointed to the Anne Arundel County Bicycle Commission which includes former ATB members Alex Pline and Arjan van Andel.

Thereafter Carol Kelly expressed that she would be interested in participating on the County Transportation Board.

Legislation O-7-20 was discussed briefly. Tom Rekus advised that the ordinance is going through the legislative process. At the June 9, 2020 meeting of the Rules and City Government Committee one of the bill's sponsors Alderman Gray told the Committee that he still needs to meet with the Office of Law and other appropriate City staff to work up amendments to the bill. There is no action required by the Board.

Chairman Riegel mentioned that in correspondence to the City Council he expressed, on behalf of the ATB, support for O-20-20, a proposed ordinance to establish the position of Deputy City Manager for Resilience and Sustainability.

At the previous meeting, The Board chair encouraged Mr. DiQuinzo to draft language for three proposed resolutions (appended to these minutes). Mr. DiQuinzio did so and presented them to Board for discussion. The Board reached consensus to promote the Transit Caucus and NACTO resolutions to the City. After some discussion that it may be better to make the MARC expansion resolution more general in nature, Mr. DiQuinzio took the action to re-write it.

Moving on to reports by ATB members, Ms. Plewinski noted that the Pace bike share service was ending and wondered if anyone had insight into the situation and whether some other shared service (be it bikes or scooters) would fill the void. Mr. DiQuinzio cautioned Board

members to be skeptical of some reporting which speaks to the decline in transit readership as a result of the COVID-19 pandemic. Though ridership is generally down from pre-pandemic levels, public transit still remains the most viable option for many users.

Deputy Director Kwaku Agyemang-Duah discussed the activities of the Transportation Department. He highlighted the continued enhanced cleaning of City transit and step to socially distance riders from each other and the operator. The City is communicating the new protocols and changes to patrons through various City web services.

Ms. Johnson suggested that the ATB may benefit from any lessons learned from changes in traffic flow and pedestrian use of downtown. There was some discussion as to whether anyone was even documenting these lessons and if they aren't, they should be.

Chairman Riegel asked Ms. Johnson about the status of the bike trail extension which would involve a partnership of City, County, State and Federal officials. Ms. Johnson related that there have been two or three meeting and the Maryland State Highway Administration was asked to do a feasibility study. From the Navy's perspective she related that there are some complicated real estate issues.

Next under new business Mr. Rekus proposed two issues that ATB should address either through regulation, legislation or administrative guidance from the Office of Law. Prior to the meeting Mr. Rekus sent Board members a document (appended to these minutes) that provided background and context to the issues

The first issue is the City's discretionary interpretation of the [municipal code](#) in 12.32.090.A.3. There are documented instances where the City of Annapolis has granted Residential Parking privileges to individuals who clearly are not [bona fide residents](#) of Annapolis.

However, because O-26-19, the bill on STVR's now distinguishes between rental licenses for standard rentals and short-term rentals, some City staff believe that the rental license referred to in 12.32.090 A.3 must now be specified as "standard rental operating license." While the Mayor or Alderwoman Tierney could submit an ordinance to clarify the ambiguity that is not necessary since the City already distinguishes the different licenses in their physical forms. In short The REN license issued today is the equivalent of the "standard rental operating license." The ATB should adopt that view, render their opinion and recommend that the City adopt the ATB guidance.

The next item deals with displaying Residential Parking permits. [Municipal Code 12.32.120](#) speaks to displaying permits and [12.32.200](#) addresses the penalty for unlawful usage or display. However, the fines schedule does not list a fine for NOT displaying the permit as required under 12.32.120 nor is there a fine specifically for displaying an INVALID permit.

This requirement to display the permit was removed from the Code several years ago then put back in at the insistence of residents who wanted to help in the enforcement of residential parking. Some residents adhere to the code, others don't, which makes self-enforcement problematic. The ATB should ask Alderwoman Tierney to formulate a resolution to add those fines to the schedule. Then, have SP+ step up enforcement.

Prior to the meeting Mr. Rekus provided Board members a document providing background and context to these issues. Recognizing that there was limited time left to have an in depth

discussion on these issues Mr. Rekus proposed that the items be moved to the agenda of the next ATB meeting. He requested that Board members become familiar with the Municipal Code governing these issues, formulate questions and provide them to him over the next several weeks so the Board can have meaningful discussion of these issues at the next meeting.

The meeting was adjourned at 8:31 PM.

SUBMITTED BY Thomas R. Rekus, *pro tempore* pending assignment of City Staff as Board secretary.

To: Transportation Committee
City Council
Mayor Gavin Buckley

A Resolution by the Annapolis Transportation Board (ATB) Concerning District 30A Elected Representatives Joining the Recently Formed Transit Caucus in the Maryland State Legislature

Whereas, a consensus exists among members of the ATB that the City's transit system is in need of additional capital investment and operating support; and

Whereas, other districts in Maryland also find their transit systems in need of additional capital investment and operating support; and

Whereas, a bipartisan group of State House Delegates and Senators formed the Maryland Transit Caucus in January 2020 to address such needs (Ref #1); and

Whereas, the website of the Caucus lists only Delegate Cain, who retired from her seat earlier this year, as a member (Ref #2);

Now therefore be it resolved that the ATB:

1. Requests that Senator Elfreth, Delegate Henson and Delegate Jones formally join the Caucus and publicly announce they have done so; and
2. Recommends that the Annapolis City Council formally adopt a resolution making this same request of the Senator and the Delegates.

Approved June 15, 2020

Ref #1: <https://www.marylandmatters.org/2020/01/23/transit-caucus-unveils-bills-designed-to-offer-transportation-options/>

Ref #2: <https://www.marylandtransitcaucus.org/members>

To: Transportation Committee
City Council
Mayor Gavin Buckley

A Resolution by the Annapolis Transportation Board (ATB) In Support of Formally Adopting NACTO's Blueprint for Autonomous Urbanism

Whereas, as a result of recent technological advances, several companies have been testing self-driving automobiles and other vehicles on highways and city streets; and

Whereas, these companies have strong incentives – including, for those which are publicly traded, fiduciary obligations to shareholders – to maximize the number of vehicles and technology service subscriptions sold; and

Whereas, NACTO (National Association of City Transportation Officials) has recognized that allowing these companies to deploy autonomous vehicles (AV's) on city streets with no limits, no policy, and no coordination may:

- Worsen congestion rather than improve it;
- Reduce safety for pedestrians and bicyclists;
- Interfere with existing transit services;
- Exacerbate parking problems as AV's queue for their next assigned rides; and

Whereas, NACTO studied the issue and, after concluding that cities need to establish rules, principles and performance criteria for the AV industry, produced their *Blueprint for Autonomous Urbanism* (Ref #1) in 2019; and

Whereas, the City Council would find it difficult and costly to develop, or direct City staff to develop, its own AV policy;

Now therefore be it resolved that the ATB recommends that the City formally adopt NACTO's *Blueprint for Autonomous Urbanism* via an Ordinance or by other means.

Approved June 15, 2020

Ref #1: The NACTO document is attached.

To: Transportation Committee
City Council
Mayor Gavin Buckley

A Resolution by the Annapolis Transportation Board (ATB) In Support of House Bill 1236 Which Was Passed by the Maryland State Legislature & Vetoed By Gov. Hogan Earlier This Year

Whereas, HB1236 authorized and provided for funding of a series of improvements to the MARC commuter rail system which were planned and recommended by MDOT; and

Whereas, the bill was passed by both chambers of the State Legislature prior to Sine Die 2020; and

Whereas, Gov. Hogan vetoed the bill on May 7, 2020; and

Whereas, commuter rail systems offer an environmentally friendly alternative to automobile travel on congested highways; and

Whereas, the usefulness and viability of future transit connections between Annapolis and other jurisdictions is improved when the systems being connected to are themselves improved (Ref #1);

Now therefore be it resolved that the ATB:

1. Requests that Senator Elfreth, Delegate Henson and Delegate Jones commit to voting in favor of overriding the Governor's veto when the General Assembly convenes to consider 2020 veto overrides in January 2021 or earlier; and
2. Recommends that the Annapolis City Council formally adopt a resolution making this same request of the Senator and the Delegates.

Approved June 15, 2020

Ref #1: Example – the most recent Transportation Improvement Plan issued by the Baltimore Metropolitan Council (administrator of the federal MPO which includes Annapolis) includes a study of Bus Rapid Transit along the US 50 corridor. This would connect Annapolis with MARC service at New Carrollton



Tom Rekus <trekus@gmail.com>

91 day leases & parking

6 messages

Hilary Raftovich <hraftovich@annapolis.gov>
To: Tom Rekus <trekus@gmail.com>
Cc: Tierney Ely <aldtierney@annapolis.gov>

Tue, Jan 21, 2020 at 4:50 PM

Good afternoon Mr. Rekus,

Alderman Tierney has shared that you have concerns about the legislators who are renting in special residential parking districts receiving residential parking for the duration of their lease. While the issue was brought to our attention by legislators my interest in this issue arose out of sympathy for these temporary residents, not because of their status as legislators. The gentleman that called me was concerned because he was moving his family to Annapolis for the duration of his work assignment and while he parks his car at work his wife needs to get his young child to day care in the morning and the only other option he had was for them to ride the bus out to Navy stadium in the morning.

As you know my role in the city is to take concerns and complaints and seek solutions so when I received this call I reviewed the code.

I discovered that the code says the following:

12.32.090 - Resident status.

- A. Resident status for purposes of obtaining a resident parking permit for a motor vehicle is established by meeting the criteria of any of the enumerated items:
 1. Applicant has a current Maryland vehicle registration and current Maryland driver's license with an address in parking district,
 2. Applicant is owner of a residential property located in a Special Residential Parking District and the property is designated as the owner's principal residence with the State Department of Assessments and Taxation.
 3. Applicant is lessee of residential property located in a special residential parking district that is licensed as rental unit. Applicant must submit a copy of the lease, and a copy of the current rental unit license. Parking permit expires with lease, or
 4. Applicant is on active military status and resides in parking district as reflected in documents issued by United States military authorities.
- B. The determination of whether an applicant has established resident status shall be made by the Director of Transportation or the Director's designee or the authorized agent.

I was confused as to why they could not receive a parking permit as they had both a lease and a rental license. I thought that meant they should be able to purchase a residential parking pass for the duration of their lease (not for the remainder of the year). The part that is up for interpretation is what type of lease is acceptable. This can be interpreted in a number of different ways. In the end we looked at the legislation that passed last week that defines "short term" as 90 days or less.

While this interpretation helped the individuals I was working with I understand your concerns as well. I would like to see a different long term solution.

The office of law is looking at the code I think that the long term solution is legislation that clarifies that Residential Parking Permits require a one year lease but add a provision under temporary permits for limited (the leasee's car only, no temp passes) temporary permits for those residing in the district for more than 3 months but less than a year. I think these sorts of temporary residents, whether they are legislators or others living in our special residential parking zones, fall in between visitors (who, I agree do not need residential parking) and year long renters (who we treat the same as residential owners in this section of the code). Any proposed legislation on this issue will, of course, come before the Transportation Board. I look forward to working with you and the rest of the transportation board to find fair and equitable solutions to these and other problems.

FYI - I have only received 2 requests for this so far. I expect that there will be a few more but I think most of the legislators either commute or stay in Hotels. Also I want to be clear that this is totally separate from the issue of legislators who are using invalid temporary passes. I know SP has been out enforcing on that issue.

Feel free to give me a call if you want to talk more about this.

Thank you,

Hilary



Tom Rekus <trekus@gmail.com>

91 day leases & parking

Tom Rekus <trekus@gmail.com>

Thu, Jan 23, 2020 at 12:37 PM

To: Hilary Raftovich <hraftovich@annapolis.gov>, Chris Buchheister <chris@pathfindersystem.com>, Tierney Elly <aldtierney@annapolis.gov>, Rick Gordon <jrickgordon@annapolis.gov>, Teresa Sutherland <tsutherland@annapolis.gov>

Hello Ms. Raftovich,

Thanks for reaching out to me.

While your interest in this issue arose out of sympathy for these "temporary residents", not because of their status as legislators, in my opinion, if an aggrieved party wished to challenge this adjudication I do not believe that it would stand up to judicial scrutiny. If the City Office of Law has a different opinion please share it.

My concern and focus is the Residential Parking Program (RPP) - how it is administered and enforced by the City and its agents. My advocacy, outreach, public testimony and engagement with the City and other interested parties in all matters regarding the RPP has been and will continue to be based on fact supported by quantifiable data and direct observation. Those same principals will apply to any matter which I may address as a Transportation Board member.

When a RPP issue like this is brought to my attention, I examine the adjudication and look for an outcome which is consistent with the Code of the City of Annapolis, especially, that the applicant be "a bona fide resident of the district for which application has been made" (12.32.080 B). The code notes that "the information shall include, but not be limited to" a list of specifics. This gives the adjudicator the right to request additional information and "relevant documents". And, they should especially if there are questions, issues or concerns raised.

Over the past several years I have collaborated with the City Manager, the Director of Transportation, the City Council, City Staff and the City's parking contractor to resolve questionable permits and adjudications that may not stand up to bona fides test or the scrutiny of judicial review if challenged in court by an aggrieved party. I am not an adversary, rather I am an ally in furthering government that balances individual needs and good public policy.

My interest here was predicated upon a January 20, email from Annapolis resident Chris Buchheister who related that his neighbor at 3 Wagner Street rented her Short Term Vacation Rental out for 91 days to a legislator. The legislator now has a district 1 sticker. When Mr. Buccheister asked the parking person from SP+, she called the office and they said, that under the new legislation an applicant can get a resident sticker if they have a 91 day lease with the new legislation. In subsequent emails Mr. Buccheister questioned the both the legality and propriety of granting this privilege to a legislator. To make his point Mr. Buccheister cited George Orwell's Animal Farm: "All Animals are equal, but some animals are more equal than others." He also provided the attached images.

I could do a request under a Maryland Public Information Act to obtain all of the documents submitted to establish that the applicant is a bona fide resident. I have not, because on the face of it an observer, like Mr. Buccheister, is not going to accept that a Maryland State Legislator, elected by the residents of District 25 (Prince George's County) attending the 2020 Legislative Session is a bona fide resident of the City of Annapolis.

In granting this privilege you cite 12.32.090 A 3, "Applicant is lessee of residential property located in a special residential parking district that is licensed as rental unit. Applicant must submit a copy of the lease, and a copy of the current rental unit license." Note well the phrase "rental unit license" this is a specific reference to the Rental Unit Operating License. Please see the attached exemplar of the Rental Unit Operating License that would be required both under Title 12.

Though the code does not specifically define is a residential lease we can glean from 18.04.010 B of the current code, what that leasehold tenancy would be. "All leases or agreements for the occupancy of a dwelling unit for which an operating license is required under Section 17.44.010 of this code shall be offered, in written form, for a

minimum initial term of one year to be accepted at the prospective tenant's option, unless a reasonable cause exists for offering an initial term of less than one year." Note well the phrase "initial term" which presupposes additional terms of tenancy.

The provisions of O-26-19 notwithstanding, if an applicant is using a [residential] lease to support their bona fides as a resident, the property would be appropriately REN licensed under the existing code. And we would expect them to submit a copy of that REN license. 3 Wagner Street does not have a REN license; it has a Short Term Rental (STR) license (attached). Also, the lease expected under 12.32.090 would be for a year or more.

Let me reiterate, while your interest in this issue arose out of sympathy for these "temporary residents", not because of their status as legislators, if an aggrieved party wished to challenge this adjudication I do not believe that it would stand up to judicial scrutiny.

As far as amending the code goes to address temporary residents I would tread very cautiously there. In the wake of O-26-19 I do not think there will be resident support any dilution of the residential parking program. Furthermore, we must be mindful of Municipal Code Section 12.04.040 - Declaration of principles concerning parking of motor vehicles which states the City Council's six operating principles for parking and notes that "Policies, laws and regulations should reflect these principles. Section 12.04.040 A 5 states the principal that "Residential streets are primarily for parking by residents."

There are 188 representatives in the Maryland General Assembly. Among them, only Senator Sarah Elfreth is a bona fide resident of Annapolis and as such qualifies for Residential Parking Privileges. If the City Council desires to carve out a special exception in Title 12 to accommodate members of the General assembly during the session then they can pursue that through the legislative process.

I look forward to further discussion on this and any other matter under the purview of the Transportation Board.

Respectfully,

Tom Rekus

[Quoted text hidden]

5 attachments



CITY OF ANNAPOLIS

DEPARTMENT OF PLANNING AND ZONING
145 CORMAN STREET
THIRD FLOOR
ANNAPOLIS, MD 21401
410-260-2200

RENTAL DISTRICT: 1

SHORT-TERM RENTAL UNIT OPERATING LICENSE

FOR

3 WAGNER STREET

STR-142352

NUMBER OF UNITS 1

LICENSE

6-28-19

FINAL INSPECTION DATE

Mary Ernst

PROPERTY MAINTENANCE INSPECTOR

This Operating License is Not Transferable

ISSUED TO **RICHARD WEAVER
JACQUELINE WEAVER
9150 Damascus Rd.
Damascus, MD 20872**

EXPIRATION DATE: 06/01/2020



CITY OF ANNAPOLIS

DEPARTMENT OF PLANNING & ZONING
145 CORMAN STREET
THIRD FLOOR
ANNAPOLIS, MD 21401
410-260-2200

RENTAL DISTRICT: 2

RENTAL UNIT OPERATING LICENSE

FOR

4 WAGNER STREET**

REN-141579

NUMBER OF UNITS 1

LICENSE

8-1-2019

FINAL INSPECTION DATE

A. Simon

PROPERTY MAINTENANCE INSPECTOR

This Operating License is Not Transferable

ISSUED TO **CONWAY, CONWAY-COLE
C/O CARLE CONWAY
728 ROSEDALE STREET
ANNAPOLIS, MD 21401**

EXPIRATION DATE: 07/01/2020

