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January 30, 2012

Sent Via E-Mail &  
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CM #: 70111150000111680395

Mayor Joshua Cohen  
City of Annapolis  
160 Duke of Gloucester  
Annapolis, Maryland 21403

Mr. Mayor:

As the former Alderman of Ward 6, I feel it is my responsibility to ensure that the Charter of the City of Annapolis is enforced and that the residents of Ward 6, including myself, are properly represented on the Council and are not disenfranchised.

Article II, Sect. 7, Subsection (s)(1) of the City of Annapolis Charter states clearly "In the case of the death, resignation, refusal to serve, disqualification of the mayor or any alderman, or removal out of the city by the Mayor, or out of the ward by any alderman, the mayor, or acting mayor shall issue a proclamation directing that a special primary election and a special general election be held to fill the vacancy. The mayor or acting mayor shall issue this proclamation within (5) days after this vacancy occurs."

Ample evidence in the Baltimore Sun and the Capital, including statements from Alderman Kenneth Kirby (Ward 6) himself and others, clearly demonstrate that not only does the subject Alderman not live in Ward 6, he does not live at the address he purports to be his residence, nor does he maintain a residence as defined in Chapter 4.04, Subsection 4.04.010 of the Code of the City of Annapolis. Residence "means a place of fixed permanent domicile" in the City of Annapolis.

The Capital, January 15, 2012, Agency Confirms Kirby Not a Tenant

"Mr. Kirby was not reflected on our lease, and we have no record of him as a guest," said Joseph Johnson, chief operating officer of the Housing Authority. "We just don't have it. There's no paper there."

The Baltimore Sun, January 26, 2012, Alderman Kirby Service Annapolis With No Home of His Own

“Kirby, who grew up in public housing in the capital city, is without a permanent place to live. He stays with a network of friends and family who open their homes to him – a niece in public housing, a friend in Annapolis’ moneyed downtown.” .....”I really don’t have to tell anyone where I lay my head every night,” said Kirby, “I could go sleep under the Weems Creek Bridge every night. I can visit everyone and anyone I want to and choose where I sleep.”

The Capital, January 30, 2012, Kirby: Residence is Private

.....his legal address is 100 Conley Drive, but where he lives is a private matter. “As I have told *The Capital*, where I lay my hat, at the end of the day, is my personal business, and I intend to keep that private.”

Two weeks ago, the Annapolis Police Department released reports from the raid of the unit and another one in the complex. Kirby, according to police documents, told police he had been living in the Madison Street apartment "a little while," that his niece had moved out and that he was the only one with keys to the apartment.

He does not live at the address listed on his state ID card, said a relative of the homeowner, and she was unclear about whether Kirby was living there when he ran for office in 2009.

Kirby's official address listing for the City of Annapolis is 100 Conley Drive. Robin Colbert, the niece of the property owner, Lucille Gillis, said Kirby stayed at the house briefly when her aunt still lived there, but has not been there since Gillis moved into a full-time senior care facility. That was more than a year ago, she said.

Colbert said she and members of her family have been so surprised by references to the property as Kirby's residence that she attempted to call the mayor's office "several times" to try to get the address removed from such lists.

"It's just kind of strange for someone to say they live there when they don't live there," Colbert said. "Why would he take for granted he could use her address?"

I expect the Mayor to enforce the Charter of the City of Annapolis and the Code of the City of Annapolis. I have no interest in serving on the Council, but I do have an interest in preserving the rule of law, on which this country is based. The law in this case is clear. Accordingly, you shall declare a vacancy in accordance with the Charter. I expect to be informed of your timely decision in this matter.

Sincerely,

Alderman Julie M. Stankivic