

**Aberdeen City Council Meeting**  
**August 25, 2008**

**Roll Call:** The Aberdeen City Council Roll was called with the following results:

**Present:** Mayor Bennett, Council President Elliott, Councilwoman Young,  
Councilmen Kupferman and Hiob

**Also Present:** Douglas Miller, City Manager  
Phyllis Grover, Director of Planning & Community Development  
Opiribo Jack, Director of Finance  
Matthew Lapinsky, Director of Public Works  
Randy Rudy, Chief of Police  
Monica Correll, City Clerk  
Doris Manner, Recording Secretary

Mayor Bennett called the meeting to order in the Council Chambers at 7:00 p.m. The prayer was led by Chief Rudy and the Pledge of Allegiance was led by Council President Elliott.

The minutes of the City Council meetings for July 14, 2008 and July 28, 2008 were unanimously approved as submitted.

**PRESENTATIONS:**

1. Ordinance No. 08-2, Proposed Townhouse Amendment to the Development Code

Mr. Miller noted that this ordinance was introduced on June 9, 2008 and a public hearing was held on July 14, 2008 and deals with townhouse regulations within the City. It changes the width of the townhouses, square footage of the buildings and lots, garage units, and a façade requirement.

**PUBLIC HEARINGS:** None

**PUBLIC COMMENTS:**

1. Barbara Osborne-Kramer, 701 Beards Hill Road;  
Ms. Osborne-Kramer commented on the administration of the Police Department and her concern for citizen rights. She referred to news reports on Maryland State Police doing surveillance on community groups which she feels is unacceptable. She asked if files were being kept and requested a meeting with the Mayor.
2. Mr. David Yensan, 608 Northgate Road;  
Mr. Yensan stated that the proposed townhouse regulations are discriminatory, racist, and elitist and could result in severe law suits for the City.

3. Ms. Susan Shroud, Homebuilders Association of Maryland;  
Ms. Shroud indicated that the proposed townhouse ordinance is an attempt at exclusionary zoning and that flexibility is needed for development. There is a lack of affordable programs for this process. The validation process for green building is very costly and detailed. She asked the Council to reconsider.

**LEGISLATIVE SESSION:**

1. Ordinance No. 08-8, Code of Conduct (Introduction)

**Ordinance No. 08-8 was introduced.**

2. Ordinance No. 08-9, Amendment to Chapter 63, Environmental Control and Property Maintenance (Introduction)

**Ordinance No. 08-9 was introduced.**

3. Ordinance No. 08-2, Proposed Townhouse Amendment to the Development Code (Adoption)

- A. Proposed Amendment No. 1 (Councilman Hiob)  
Section 21, Table I, columns 3 and 4, Row 5

Amendment presented was that the dwelling, townhouses, per unit R-3 for end units; change lot width from 28 ft. to 24 ft. and lot area (sq. ft.) per family from 3,000 to 2,400.

Councilman Hiob noted his objections due to the increased cost of construction, HVAC, taxes, etc. First time homebuyers will be hindered and/or eliminated from the housing market by these changes. These changes will make the homes too expensive to compete with surrounding areas.

Councilman Kupferman said the Planning Commission recommended a width of 30 ft. and he feels the recommendation is adequate.

Councilwoman Young stated that there is no legislation pending for single family homes at this time or their minimum width could be considered at this time also. The 28 ft. proposal is appropriate. This legislation will benefit the City.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve Amendment No. 1, Section 21, Table I, Columns 3 and 4, Row 5, to change the Lot Width (feet - dwelling) to 24 ft., and the Lot Area (sq. ft.) to 2,500.**

**The motion was defeated with a vote of 2 – yes and 3 – no.**

**Ayes: Mayor Bennett and Councilman Hiob**

**Nays: Council President Elliott, Councilwoman Young and Councilman Kupferman**

- B. Proposed Amendment No. 2 (Councilman Hiob)  
Section 31, Lines 19 and 20

Councilman Hiob stated that this amendment was for clarification in the text of the Development Code to change the minimum width of a townhouse unit to 24 ft.

**A motion was made by Councilman Hiob and there was no second to Amendment 2, Clarification of Section 31, Lines 19 and 20. The motion was to eliminate “for interior units and twenty-eight (28) feet for end units” from the verbage.**

**Due to the fact that there was no second to the motion, no vote was taken.**

- C. Proposed Amendment No. 3 (Councilman Hiob)  
Section 31, Lines 42 and 43

Councilman Hiob suggesting the omission of the following sentence: “Green building construction shall be incorporated to the greatest extent feasible in the townhouse construction and development with a focus on energy efficiency and access.” This text is a gray area and is open to interpretation. Houses currently being built are more energy efficient and the market will eliminate these problems. Additionally, this change would not be enforceable.

Councilwoman Young felt the existing requirement is appropriate and should be kept. With existing technology, good indoor air quality can be obtained. Harford County has regulations for low energy (low-e) glass in windows; there will be some cost increase. The result will be better insulation and better health. She noted that many elements can be considered green construction.

Council President Elliott favored green construction for the present and the future. Environmental areas favor this change.

Mayor Bennett is greatly concerned with this amendment because it is not enforceable. The City should not get into making these determinations. The question exists as to who will decide what is feasible.

**A motion was made by Councilman Hiob and seconded by Mayor Bennett to approve Amendment 3, Section 31, Lines 42 and 43. This motion would eliminate the sentence, “Green building construction shall be incorporated to the greatest extent feasible in the townhouse construction and development with a focus on energy efficiency and access.”**

**The motion was passed with a vote of 3 – yes and 2 – no.**

**Ayes: Mayor Bennett, Councilman Hiob and Councilman Kupferman**

**Nays: Council President Elliott and Councilwoman Young**

**D. Proposed Amendment No. 4 (Councilman Hiob)  
Section 31, Lines 44 through 50**

Councilman Hiob suggests the removal of the sentences: “Eighty-five percent of the exterior building materials used on unit walls facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick or decorative concrete masonry block.” and, “Window and door openings shall not be included in calculating the 85% building materials requirement.”

Councilman Hiob said this is an unnecessary government mandate and will result in unnecessary elevated cost. Brick will not last forever and these requirements are not required anywhere else.

Councilwoman Young stated that these suggestions are appropriate for variety in the City. They will help deaden sound and look good over time.

Mayor Bennett disagrees with the 85% portion of the amendment but agrees with the remainder of the proposal.

**A motion was made by Councilman Hiob and seconded by Mayor Bennett to delete “Eighty-five percent of the exterior building materials used on unit walls facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick or decorative concrete masonry block.” and, “Window and door openings shall not be included in calculating the 85% building materials requirement.”**

**The motion was defeated with a vote of 2 – yes and 3 – no.**

**Ayes: Mayor Bennett and Councilman Hiob**

**Nays: Council President Elliott, Councilwoman Young and Councilman Kupferman**

E. Proposed Amendment No. 5 (Councilwoman Young)  
Section 31, Townhouses – Add a line.

Councilwoman Young suggested the addition of the sentence: “All interior party walls shall be constructed of brick or masonry.” This feature would provide an additional sound barrier and fire barrier.

Councilman Kupferman asked what was required by the current code. Mr. Miller said Harford County requires fire rated walls of one hour.

Council President Elliott feels that masonry or brick would provide more protection to the occupant in case of fire.

Councilman Hiob had already checked with Harford County and was told the City should follow the International Residential Code which gives specifics on the walls between townhouse units. The Code as written is better protection than masonry. Additionally, this amendment would increase the construction cost considerably.

**A motion was made by Councilwoman Young and seconded by Council President Elliott to require: “All interior party walls shall be constructed of brick or masonry.”**

**The motion was defeated with a vote of 2 – yes and 3 – no.**

**Ayes: Council President Elliott and Councilwoman Young**

**Nays: Mayor Bennett, Councilmen Hiob and Kupferman**

F. Proposed Amendment No. 6 (Councilwoman Young)  
Section 31, Townhouses – Add lines.

Councilwoman Young suggested the addition of the following: “That the City’s Architectural Review Board will review and approve the front façade of any townhouse before the issuance of a building permit. Such approval will not be unreasonably withheld and the Board shall take into consideration the style, building material of the front façade and its compatibility with the neighborhood and surrounding neighborhoods.”

Councilman Hiob asked Ms. Grover to clarify the source of the amendment. Ms. Grover said this would be a new responsibility for the Architectural Review Board and she is not able to respond to the question. She added that the Planning Commission does not review the façade of proposed buildings.

**A motion was made by Councilwoman Young and seconded by Councilman Kupferman to add the following lines: “That the City’s Architectural Review Board will review and approve the front façade of any townhouse before the issuance of a building permit. Such approval will not be unreasonably withheld and the Board shall take into consideration the style, building material of the front façade and its compatibility with the neighborhood and surrounding neighborhoods.”**

**The motion was defeated with a vote of 2 – yes and 3 – no.**

**Ayes: Council President Elliott and Councilwoman Young**

**Nays: Mayor Bennett, Councilmen Hiob, and Kupferman**

**A motion was made by Councilwoman Young and seconded by Councilman Kupferman to approve Ordinance No. 08-2 as amended.**

**The motion was passed with a vote of 4 – yes and 1 – no.**

**Ayes: Mayor Bennett, Council President Elliott, Councilwoman Young, and Councilman Kupferman**

**Nays: Councilman Hiob**

**BUSINESS OF THE COUNCIL:**

1. Unfinished Business      None
2. New Business              None
3. Business from the Director of Planning & Community Development

**A. Preliminary Site Plan for Borghi International USA**

Ms. Grover said the site is located at the corner of Rt. 715 and Cirelli Court adjacent to Ryder Truck Rental. The existing building was approved in 2001 for 7,200 sq. ft. with appropriate parking. The Planning Commission recommended approval of the pending request in May 2008. The company manufactures brushes and is a good match for the City. The Department of Planning and Community Development also recommends approval.

Ms. Jennifer Jai with Frederick Ward and Associates reiterated some of the points above and asked if there were any questions.

Councilwoman Young asked for clarification of the building site and traffic impact on adjoining roads. She also wants to know if anyone at APG has been contacted regarding this issue. Ms. Jai was unsure.

Councilman Hiob noted that this is an existing business and the project is being completed in three phases.

Mr. Lapinsky stated that water calculations are needed. Harford County wants to review these plans before they are approved by the Council. The County will provide water and the City will provide sewer.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve the Preliminary Site Plan for Borghi International USA contingent on approval by Harford County and submission of water calculations.**

**The motion was passed with a vote of 5 – yes.**

B. Preliminary Site Plan for Rite Aid, Lot 2, Middelton Holdings Property

Ms. Grover indicated that the Mayor and Council approved a Final Subdivision Plat for this Middelton Holdings located off of Rt. 22 and the proposed Middelton Road extension. The proposed Rite Aid is to be located on Lot 2. The store will be 11,180 sq. ft. and is to include 61 parking spaces. The Planning Commission recommended approval of these plans at their January meeting. The Staff also recommended approval of these plans.

Mr. Eric McWilliams with Boller Engineering noted that the subject property has no direct access to Rt. 22. Middelton Road will be extended with the addition of a traffic light.

Mr. Bill Steffey, with Rite Aid, commented on the architectural rendering which was available for the Council to review. He noted that his company has the defense contract with APG.

Councilwoman Young asked about the time frame for construction. Mr. Steffey said it would be approximately one year.

Councilman Hiob asked if water was available. Mr. Lapinsky said it was and water calculation notes were required on the Plans.

**A motion was made by Councilman Hiob and seconded by Council President Elliott to approve the Preliminary Site Plan for Rite Aid, Lot 2, Middelton Holdings Property with the appropriate water notes as required by the Department of Public Works.**

**The motion was passed with a vote of 5 – yes.**

4. Business from the Chief of Police

Chief Rudy reported that the Police Department has received 2 Impala, V-6 vehicles for use by administrators and investigators. These vehicles cost \$4,000 less than the Ford Crown Victoria cars.

Mayor Bennett asked if there was any further information on the dog bite victim. Chief Rudy had no additional information.

5. Business from the Director of Finance - None

6. Business from the Director of Public Works

A. Declaration of Surplus Property

Mr. Miller asked the Council to approve the decision to declare the existing, 15-year old street sweeper as surplus property. A new street sweeper is budgeted for this year and has been ordered.

Councilman Hiob asked when the new sweeper would be delivered. Mr. Miller said delivery was scheduled for September or October.

**A motion was made by Councilman Kupferman and seconded by Councilman Hiob to declare the street sweeper as surplus property.**

**The motion was passed with a vote of 5 – yes.**

B. Award of Bids – Equipment

Air Compressor

Mr. Lapinsky had two bids for an Air Compressor for the Public Works Shop. He is recommended Bid No. 09-03 Air Compressor from Folcomer Equipment in the amount of \$11,445.

**A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve Bid No. 09-03 Air Compressor from Folcomer Equipment in the amount of \$11,445.**

**The motion was passed with a vote of 5 – yes.**

Landscape Trailer

Mr. Lapinsky received three bids for a Landscape Trailer for the Department of Public Works. The low bid was non-conforming. He is recommending Bid No. 09-01 from Rock Springs Hardware in the amount of \$3,850.00.

**A motion was made by Councilman Hiob and seconded by Councilwoman Young to approve Bid No. 09-01 Landscape Trailer from Rock Spring Hardware in the amount of \$3,850.00.**

**The motion was passed with a vote of 5 – yes.**

Grass Tractor

Mr. Lapinsky received three bids for a Grass Tractor for the Department of Public Works. The low bid was non-conforming. He is recommending Bid No. 09-04 from Hickory International in the amount of \$13,447.00.

**A motion was made by Councilwoman Young and seconded by Councilman Hiob to approve Bid No. 09-04 Grass Tractor from Hickory International in the amount of \$13,447.00.**

**The motion was passed with a vote of 5 – yes.**

Water Treatment Plant (WTP) Degasifiers and Electrical Wiring Replacement Design-Build Bid Evaluation

Mr. Lapinsky is submitting a recommendation for bids for the WTP Degasifiers and Electrical Wiring Replacement Design-Build Bid Evaluation in the amount of \$791,556.00. The companies involved are Johnston Construction and Stearns & Wheler. The contractors' experience, understanding of the project and schedules were considered in submitting this recommendation to the Council. The project cost and life-cycle costs were also a consideration.

Councilwoman Young asked if the \$300,000 plus the money from the pumping station would cover the total. Mr. Lapinsky said money is available from the loan last year. He noted that another company was unqualified to work on the project.

Council President Elliott asked why the original allocation was so low and Mr. Lapinsky said it was underestimated.

Councilman Hiob asked the future of the pumping station which is being improved. Mr. Lapinsky noted that it may not be needed in the future.

**A motion was made by Councilman Kupferman and seconded by Councilwoman Young to accept the bid from Johnston Construction and Stearns & Wheler for WTP Degasifiers and Electrical Wiring Replacement Design bid in the amount of \$791,556.00.**

**The motion was passed with a vote of 5 – yes.**

Mr. Lapinsky reported that the Bush Chapel Road curbing work is being finished and paving should be done within the next two weeks.

The new pumping station at Plater Street is under construction. Mr. Lapinsky said notices will be sent to residents informing them of the hydro-flushing. The work will be done during the day instead of at night.

7. Business from the City Manager - None

8. Business from the Council

Councilman Hiob asked if there was any information on the Rt. 22 sectional map amendment. Ms. Grover said it will go to the Planning Commission in late fall or early winter and then to the Council.

Councilman Hiob asked when Council meetings would be televised. Mr. Miller said televising would begin September 8<sup>th</sup>, or September 15<sup>th</sup>.

Councilman Hiob asked the status of Station No. 3. Mr. Lapinsky stated that he is waiting for SHA approval.

Councilman Hiob asked the status of the Graceford Drive Pump Station. Mr. Lapinsky is working on obtaining the property as well as a backup plan.

Councilwoman Young submitted copy of a State Highway Administration letter given to her by Mr. Koszura dated February 19, 2008 regarding "Project MD22 I-95 to Old Post Road" to the Council. Copies of "Funding of Indoor Projects Questioned" and "Audit Faults Use of Open Space Money on Indoor Facilities" were also distributed.

Councilwoman Young thanked the Council, the public, and the building industry for their careful thought and input on the townhouse issues. She visited the Hollywoods Townhouses some of which are 28 ft. wide. This development has the "Move Up Program" for potential homeowners. Prospective buyers are assured their homes will be sold to enable them to purchase one of these homes. A similar program could be considered by developers in the City.

9. Business from the Mayor

Mayor Bennett said as a result of meetings between the Maryland Department of Environment (MDE) and the City of Aberdeen on Enhanced Nutrient Removal (ENR) cost, MDE has agreed to give an additional 2.7 million dollars of the cost to the City. He thanked Mr. Miller, Councilwoman Young, and Mr. Lapinsky for their help with this project.



- Council Meetings:

Monday, September 8, 2008  
Monday, September 22, 2008

**ADJOURNMENT:**

The meeting was adjourned at 9:30 p.m.