

**Aberdeen City Council Meeting  
June 9, 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  
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 Pastor Diane Welch of The Breath of God Christian Fellowship Church and the Pledge of Allegiance was led by Councilman Hiob.

A motion was made by Council President Elliott and seconded by Councilman Hiob to approve the minutes of the May 12, 2008 meeting as submitted. The motion was passed with a vote of 5 – yes.

Mayor Bennett reported that the Aberdeen and Havre de Grace Municipalities shared a tent at the McDonald's LPGA Championship at Bulle Rock Golf Course to promote our cities. Mr. Steve Johnson, Chairman of the Economic Development Commission, conducted a free raffle during the tournament and the names of three winners were drawn by the Mayor at this meeting. The prizes included local hotel stays, Ironbird baseball tickets, and two tickets to a mystery theater bed and breakfast. All prizes were donated.

**PRESENTATIONS:**

1. Proclamation – Principal Alice M. Breault, George D. Lisby Elementary School – Mayor Bennett

Mayor Bennett reviewed Ms. Breault's credentials and her devoted service to the children of Harford County. She has served at the George D. Lisby School for the past nine years. Mayor Bennett presented Ms. Breault with a Proclamation and Councilwoman Young presented her with a handmade basket containing the State and City emblems from the Council.

**PUBLIC HEARINGS:**

None

## **PUBLIC COMMENTS:**

None

## **LEGISLATIVE SESSION:**

### 1. Resolution No. 08-3, Annexation Plan for 952 Gilbert Road, LLC (Introduction)

Ms. Grover introduced Mr. Brad Stover, Attorney, Mr. Dudley Campbell with Bay State and one of the owners of the LLC, and Mr. Nick Connits, also an owner. The Annexation Petition was submitted August 8, 2006 for 952 Gilbert Road, LLC and the Rehr Property. Both properties were reviewed on an Annexation request by the Planning Commission in September, 2006. At that time a favorable recommendation was made to the Mayor and Council for the properties to be zoned Integrated Business District. The request went before the City Council in the form of an Annexation Petition and was amended to remove the Rher Property at that time. A petition was submitted for 952 Gilbert Road, LLC; which was only for Parcel 751, and Parcel 926 (Lots 1 and 2) located on Tax Map 51. Ms. Grover distributed diagrams to the Council for their information. The property is located on Rt. 22 near Long Drive and the Old Gilbert Road which is blocked off. Pursuant to House Bill 1141 and House Bill 2, an Annexation Plan was prepared for 952 Gilbert Road which replaces the outline for public services. The Annexation Plan was introduced earlier to the City Council on August 27, 2007. A public hearing was held on October 29, 2007 for the same Annexation Plan. No action was taken by the previous City Council. The principals want to move forward with the Annexation Plan as presented for an Introduction this night; after a Public Hearing is held it could be passed and later introduce the Annexation Resolution for the property. The request is very straight forward and provides an outline for mixed office as well as required public facilities.

Mr. Brad Stover repeated that this exact Plan was before the Council in August, 2007 and October, 2007. No changes have been made since these dates and the request complies with the appropriate House Bills.

A motion was made by Councilman Kupferman and seconded by Councilman Hiob to approve Resolution No. 08-3, Annexation Plan for 952 Gilbert Road, LLC for Introduction.

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

### 2. Resolution No. 08-4, Annexation Plan for Paradise Meadows, Inc. (Introduction)

Ms. Grover introduced Mr. Jeffrey Scherr, attorney for Paradise Meadows, Inc., and Mr. Joseph Moran, an owner. She stated that the property is located off Paradise Road at I-95. The Council received a handout and a plan was posted for the

audience to view. The petition was amended and submitted to the City on August 2, 2006. A community input meeting was held on February 26, 2008. The Annexation Plan was reviewed by the Planning Commission in February and March 2008, and a favorable recommendation was made for R-1 zoning for a Planned Unit Development Overlay. Pursuant to House Bill 1141 and House Bill 2, and the property is located on Harford County Tax Map 43, Parcel 228. It is 159.25 acres and includes part of the right of way for I-95 which is 61.74 acres. The total proposed area for annexation is 220.993 acres. Currently, the property is zoned AG. The property is located in Planning Area 9 – Aldino Stepney. Provisions are shown for fire protection, water supply, sewer, solid waste, streets, educational facilities, etc. Mr. Scherr offered to answer questions from the Council.

Councilman Hiob noted that the City should have a workable plan for the water and sewer supply in this and other areas. He also mentioned avoiding an enclave issue.

A motion was made by Councilman Hiob – there was no second to the motion to approve Resolution No. 08-4, Annexation Plan for Paradise Meadows, Inc. for introduction.

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

3. Rezoning of Parcel 620, Linden Associates, LLC (For Consideration)

Mayor Bennett noted that there has been prior testimony and sworn testimony on this proposed rezoning. He referred to a document submitted to the Council by the City Attorney. The Council was reminded that this vote would only be on the hearing and nothing else. The vote would determine whether Linden Associates had made the case that a “mistake” had been made in previous zoning.

A motion was made by Councilman Kupferman and seconded by Councilman Hiob to approve the Rezoning of Parcel 620, Linden Associates, LLC.

**The motion was not passed with a vote of 2 – yes and 3 – no.**

**Ayes        Councilman Hiob and Councilman Kupferman**

**Nays        Mayor Bennett, Council President Elliott, and Councilwoman Young**

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

Ms. Grover introduced Ms. Nancy Kosko, a member of the Planning Commission, who chaired a subcommittee in March for the Townhouse Amendments. The recommendations being presented are not the recommendations of the Planning Commission or the Staff. Ms. Grover has also worked with the Mayor and Council

members and has researched this issue. She reviewed Section 31 of the Aberdeen Development Code. Some of the changes include: changes in lot area, lot width, front yard depth, rear yard depth, least width, and sum of widths. Other changes and/or additions include Section 31, Lines 15, 16, 17, 21, 26, 27, 23, 30, and 31 – 44.

Council President Elliott asked if these amendments have been before the Planning Commission. Ms. Grover replied that no documents were sent to this body.

Mr. Miller noted that the Planning Commission created amendments to the Town House Regulations. This final document is a 50/50 effort of both bodies.

Council President Elliott questioned whether the Planning Commission, as a volunteer committee, should see the document so they don't feel "left out".

Mayor Bennett stated that this issue was originally sent from the Planning Commission and there has to be a point when the document stops going back and forth.

Councilwoman Young thanked Ms. Grover for the time she spent on this project. She also appreciated the fact that several of her suggestions were being used. The procedure being followed should not be offensive to the Planning Commission. These townhouse widths are a workable alternative to the Planning Commission asking that all townhouses be 26 ft. wide. The directive also includes exterior finishes, etc. Councilwoman Young stated that she is "open to facts and reason". This document gives a lot of people "food for thought".

Councilman Hiob noted that the Planning Commission did its work. Decisions which are made are not perfect and neither is the Council's. He feels that the City is extremely unfriendly to the business community and potential future residents. This legislation and the last request for rezoning are perfect examples of this. Aberdeen is becoming less consistent with neighboring municipalities and counties. The inconsistency is for various reasons or no legitimate reason. Some good builders are no longer willing to deal with Aberdeen. Councilman Hiob wants the City to be more proactive because economic conditions need to be taken into consideration. Bel Air and Havre de Grace do not have these requirements. These regulations will increase the cost of construction and drive builders and developers away. Consistency makes the process easier for everyone.

Council President Elliott thinks the City is too concerned about developers; upscale housing is needed. The Amendments provide for a great variety and she fully supports the proposed Amendments. She commends Councilwoman Young for submitting suggestions.

Councilman Hiob noted that the exterior of the majority of homes of the Council members do not meet these requirements. His home is the only one which conforms. This requirement is not in place for single family homes.

Mayor Bennett informed the Council members that additional amendments could come later.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to approve Ordinance No. 08-2, Proposed Townhouse Amendments to the Development Code.

**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

A. Committee Appointments

The Charter Review Committee Appointees are as follows:

- Mr. Chuck Doty – Chairman
- Dr. Nancy Backus
- Mr. Patrick Faircloth
- Mr. Bruce Garner
- Ms. Norma Ford
- Ms. Karen Heavey
- Mr. Don Curry (Councilman Hiob’s appointee to replace David Yensan)
- Ms. Donna Jolley (Councilman Kupferman’s appointee to replace Franklin Bradley)
- Ms. Gina Bantum

A motion was made by Councilman Kupferman and seconded by Councilwoman Young to approve the proposed Charter Review Committee Appointments.

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

3. Business from the Director of Planning & Community Development

Ms. Grover mentioned that the Planning Commission meeting is Wednesday, June 11, at 7:00 p.m. to review an annexation request for Glengarry, the Hiob property, the Johnson property, the Northgate Business Park, and some others.

4. Business from the Chief of Police

Chief Rudy noted that his Annual Report showed one open homicide case and that it has been partially closed by the U. S. Attorney's Office. The defendant was found guilty of distribution of drugs and being an accomplice in the homicide. Future information will be provided as it becomes available.

He also noted that in response to rising gasoline prices, police personnel will begin using additional bike patrols and foot patrols for conservation of fuel.

5. Business from the Director of Finance

Mr. Jack introduced and welcomed a new addition to the City staff, Ms. Charese Johnson, as the new Finance Supervisor.

A. Year-to-Date Financial Activities

Mr. Jack provided a handout on the Fiscal Year 2008 – the Reporting Period is from July 2007 – May 2008. The summary is as follows:

	REVENUES OVER (UNDER) EXPENDITURES
GENERAL FUND	\$376,890
CAPITAL PROJECTS	\$808,247
WATER FUND	\$571,071
SEWER FUND	(\$386,923)
STADIUM FUND	(\$8,487)
SUMMARY – ALL FUNDS	\$1,360,798

Mayor Bennett asked if the City was on track. Mr. Jack noted that some areas are good and some are not.

Mr. Miller stated that some tax revenue is under performing. However, the City is in good shape as far as budgeting.

B. FY 08 Budget Amendments

Mr. Miller stated that this action is necessary because the City is not allowed to overspend in some areas. Below is a brief summary of the requests being made:

	ORIGINAL BUDGET	REVISED BUDGET	CHANGE
REVENUES TOTAL	\$762,824	\$848,824	\$86,000
EXPENDITUES TOTAL	\$690,136	\$776,136	\$86,000

Council President Elliott asked what the total was; she was told it was \$86,000. She asked what the fund balance was and if it is rolled over. Mr. Miller said it was rolled over. Mr. Jack was asked the amount in fund balance now; he replied that the total was 1.1 million dollars from the last fiscal year and this information is contained in the audit report. However, this is not necessarily cash.

A motion was made by Councilman Hiob and seconded by Councilman Kupferman to approve the FY 08 Budget Amendments.

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

6. Business from the Director of Public Works

None

7. Business from the City Manager

The Council members will be attending the MML meetings in Ocean City on June 23, so there will not be a Council meeting that evening. A work session will be added on June 30<sup>th</sup> at 4:30 p.m.

8. Business from the Council

Councilman Hiob asked if there would be work session meetings on June 16<sup>th</sup> and June 30<sup>th</sup> and Mr. Miller said there would. Reference was made to an article in the Record.

Councilman Hiob asked the status of the North East Road project. Mr. Miller said this was on his “to do” list.

Councilman Hiob asked the status of the Property Maintenance Ordinance because it is needed. Mr. Miller is currently reviewing this document to present for introduction.

Councilwoman Young thanked the Council for their support and discussion on the townhouse units. She looks forward to constructive criticism from public comment.

Councilwoman Young asked if a decision has been made on the Summer Retreat. Mr. Miller said the dates being considered are July 12<sup>th</sup> and July 19<sup>th</sup>.

Councilwoman Young joins with Councilman Hiob regarding the Property Maintenance issue.

Councilman Kupferman mentioned that the City is barely keeping pace and it needs to grow and to do this annexation is needed. He recently found out about the 743 Beechtree units which will use City services. However, Aberdeen will not receive any revenue. Water should be available this summer to help provide for growth. Lower zoning must be considered to move forward. Infrastructure repairs in the amount of 3.5 million dollars are needed but there is no money available. Aberdeen needs water, sewer, and a well planned road network. The Council must make the right decisions in the next months.

Council President Elliott told the reporter from The Record newspaper that advertising is needed for the littering issue. Adults and children are guilty of littering. Possibly, the police could enforce the littering law.

#### 9. Business from the Mayor

Mayor Bennett's reported on events he attended:

- Worked at an LPGA booth with representatives from Havre de Grace and handed out information on both municipalities
- Last Friday, Mayor Bennett, Councilman Hiob, and Mr. Miller attended a productive meeting with Mary Delaney James on water issues and nutrient removal
- Attended the opening of a Pretzel Factory
- Attended the opening of the new True Joy Ministry Church
- Spoke at a violence seminar
- Attended a meeting on possible choices on water and will report on the outcome in the near future.

**PUBLIC COMMENT:**

1. Mr. Bob Hartman, 226 Paradise Road;

Mr. Hartman commented on the poor appearance of some of the intersections in the City because of weeds and trash.

Mr. Hartman attended County Council public hearings in April and May and the only Council representative present was Councilman Hiob. He noted that the City of Aberdeen reduced taxes but the County increased theirs. Harford County employees are getting a 9% raise.

2. Ms. Deborah Ellers, 616 Locksley Manor Drive;

Ms. Ellers feels the Council should show the citizens how annexation can be profitable. For annexation to be successful, water, sewer, and schools must be available.

The Budget should show what comprises over and under amounts. Ms. Ellers asked why revenue is not coming into the City on some of the line items.

3. Rosemary Queen, 614 Locksley Manor Drive;

Ms. Queen referred to meetings with State officials regarding legislative “fixes” for infrastructure problems caused by lack of maintenance. She asked the Council to address this issue for possible legislation in the future.

4. Ms. Karen Heavey, 634 W. Bel Air Avenue;

Ms. Heavey noted that the City web site search engine is not operating properly. She would like to have this corrected.

Ms. Heavey has been disturbed by noise made by backhoes and jack hammers operating in her area at all hours of the night. She wondered what part of the City Code could be used to end this. She called Councilwoman Young and the problem was solved.

Ms. Heavey also stated that her two new toilets have helped conserve over 6,000 gallons of water.

5. Mr. William Cronin;

Mr. Cronin mentioned seeing an individual sweeping a street on a Saturday. He feels that good housing is an attitude. There is no high priced housing in Aberdeen. Water questions can be addressed by utilizing the Susquehanna Basin because the

