

**Aberdeen City Council Meeting
March 24, 2008**

OPENING:

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 Pastor Mike Karmann, of the First Baptist Church of Aberdeen and the Pledge of Allegiance was led by Chief Rudy.

The Minutes of the March 3, 2008 meeting were approved as submitted.

PRESENTATION:

1. Proclamation – Mr. Paul Visser, Superintendent Water/Waste Water – 35 Years Service

Mayor Bennett, Mr. Miller, and Mr. Lapinsky presented a Certificate of Recognition to Mr. Visser for 35 years of outstanding service to the City of Aberdeen.

2. Proclamation – Mr. Wayne Sargent, Utility Locator, Region 1 Locator Achievement Award for Cecil and Harford Counties

Mayor Bennett, Mr. Miller, and Mr. Lapinsky presented a Certificate of Recognition to Mr. Sargent for his outstanding service to the City of Aberdeen.

3. Proclamation – Mr. Ronald Thomas, Jr., Operator II Water/Waste Water, 2007 Fireman of the Year, Level Volunteer Fire Department

Mayor Bennett presented a Certificate of Recognition to Mr. Thomas for his outstanding service.

PUBLIC HEARINGS:

1. Aberdeen Corporate Park, Rezoning of Parcel 620, Linden Associates, Inc.

Ms. Grover stated that the subject rezoning is Parcel 620 which is located off of Middelton Road, West Bel Air Avenue, and Bouzarth Lane consisting of 15.22 acres. The current zoning is R-2, R-3, and B-3. The proposed rezoning is for all B-3 zoning.

Mr. Mike Leaf, attorney for Linden Associates, Inc. noted that the contract purchase is contingent on successful rezoning. The Planning Commission recommended that the entire parcel be rezoned to B-3. There are 11 acres of wetlands which cannot be developed. Mr. Leaf said the rezoning request is based on the fact that a “mistake” was made when the area was previously rezoned and split-zoned. Commercial use will be more valuable to the City than residential.

Mr. Chris Kurz, President of Linden Associates, has developed areas in Howard County, Anne Arundel County, and a shopping center in Bel Air. Mixed use development is his forte because it is efficient use of the land. He has met with the City Staff and concerned neighbors for their input. The buildings will meet Green Development standards.

Mr. Rowan Glidden with G. W. Stevens, Associates, Inc., noted previous and current zoning. He referred to a letter dated September 22, 2007 detailing issues and the history of the area. A request in 1997 for rezoning from R-2 to R-3 was denied. Later, the Stancil Property request for rezoning to R-3 was approved; thus, the “mistake” in zoning per the City requirements.

Council President Elliott said currently there can be no development for wetlands. She asked if this could be changed. Mr. Glidden stated that MDE does not favor this type of action.

Councilwoman Young asked the size of the small parcel by West Bel Air Avenue. Mr. Glidden said it was .41 acres. Councilwoman Young asked if SHA was contacted regarding access to Route 22. Mr. Kurz replied that the request was refused but the project will still work.

Councilman Kupferman asked if there was any negative input from residents of Graceford Drive. Mr. Kurz said the only problem seemed to be with the current flooding issues and ingress and egress off of Middelton Road.

Council President Elliott asked what types of businesses would be on site. Mr. Kurz stated that restaurants and Star Bucks were interested. He said there would be some limitations due to the lack of direct access to Rt. 22.

Councilman Kupferman asked if a buffer was discussed with the neighbors. Mr. Kurz will honor the June 12th buffer agreement; there will be parking between the buildings and the neighbors.

Councilman Kupferman asked how the flooding would be handled. Mr. Kurz said pipes would be replaced and added where needed.

Councilwoman Young asked for a copy of Mr. Glidden's letter.

PUBLIC COMMENT:

1. Mr. Sam Russo, 334 Graceford Drive;

Mr. Russo asked what type of buffer would be installed by the property line. Mr. Kurz stated that there would be a 50 ft. landscaped buffer with trees for noise and lighting. There will be no vehicle access through the neighborhood. Mr. Russo inquired about the height of the buildings. Mr. Kurz noted that the office buildings would be 3 stories high and a hotel, located at Rt. 22 would be 5 stories high.

2. Mr. Bob Guerrero, 637 W. Bel Air Avenue;

Mr. Guerrero referred to a small house which was denied rezoning and wants to know how other areas can be rezoned. Councilman Hiob noted that the house was consistent with R-2 zoning on W. Bel Air Avenue.

3. Ms. Monica Correll, City Clerk;

Ms. Correll asked that the following letter from Ms. Karen Heavey, 634 W. Bel Air Avenue be part of this record:

As I am unable to attend the March 24, 2008, public hearing for the rezoning request for Parcel 620, I am submitting written comment with a request that it be read at the hearing for the record and for the benefit of the Council and the public.

I am opposed to the rezoning of Parcel 620 from R-3 High Density Residential to B-3 Highway Commercial because I feel it will result in an undesirable change in the neighborhood.

The current zoning for this parcel serves as a buffer between the commercial and residential areas on the west side of the city. Parcel 620 is bordered on three sides by single-family homes along Graceford Drive, the 600 block of West Bel Air Avenue and across Rt. 22 at Demarco Park. There is B-3 zoning along the fourth side.

A proposed site plan for the upper portion of Parcel 620, as presented to the Planning Commission, includes a day care center, a 3-story office building with ground level parking, two 3-story 80,000 sq ft office buildings, and two 100 room hotels along the Graceford Drive side of the parcel. Approximately 1,000 parking spaces are required. I think it is important to note that this proposal differs substantially from the information presented to the residents at a community information meeting. In my opinion, this intense commercial development adjacent to the homes along Graceford Drive is inappropriate and will change the character of the neighborhood.

No development was shown for the lower portion of the parcel, which is mostly wetlands. It is my understanding that wetlands can be mitigated – they can be drained and developed if a ‘wetlands’ is created somewhere else. Again, B-3 zoning would allow intense commercial development adjacent to single family residences along W. Bel Air Avenue and the lower end of Graceford Drive, changing the neighborhood here also. A perpetual conservation easement has been suggested to the developer, but as far as I know, it is not part of the proposal.

In December 2004, the planning commission recommended against B-3 zoning for a nearby property at 657 West Bel Air Avenue because of the residential nature of the area. In January 2005, a request for B-3 zoning for the property at 643 West Bel Air Ave, which adjoins Parcel 620, received an unfavorable recommendation due to the residential nature of the area. The rezoning of Parcel 620 should be denied for the same reason. As a resident and property owner in the area, I respectfully request the change from R-3 to B-3 zoning be denied.

PUBLIC COMMENTS:

1. Ms. Cathy Bartholomew, 611 Colane Drive;

Ms. Bartholomew suggested extending elections to 4 years for City elected officials be considered. This would save money, provide continuity, and require fewer signs in yards.

Mayor Bennett recommended this to be considered at the future Charter Review Committee.

2. Mr. James Redding, 434 Holiday Drive;

Mr. Redding encouraged the Council to work toward collecting taxes on hotels as a “reciprocal courtesy tax”.

3. Mr. William Young 445 Doris Circle;

Mr. Young supports 4 year terms if the Charter should include a recall.

LEGISLATIVE SESSION:

A. Ordinance No. 736-08; Annexation Procedures Incorporated into the Development Code (Adoption)

Mayor Bennett noted that Ordinance No. 736-08 is an Amendment to Ordinance No. 711-06. Copies of the subject Amendments will be attached to these Minutes.

Amendment No. 1 – Offered by Council President Elliott

Councilman Hiob asked for an explanation. Council President Elliott said this applies to services provided by the City especially water.

A motion was made by Council President Elliott and seconded by Councilman Kupferman to adopt Amendment No. 1.

The motion was passed with a vote of 3 – yes, 1 – no, and 1 – abstain.

Ayes – Council President Elliott, Councilman Kupferman, and Mayor Bennett

Nays – Councilman Hiob

Abstain – Councilwoman Young

Amendment No. 2 – Offered by Council President Elliott

A motion was made by Council President Elliott to adopt Amendment No. 2; there was no second to the motion. Thus, there was no vote taken.

Amendment No. 3 – Offered by Council President Elliott

A motion was made by Council President Elliott to adopt Amendment No. 3; there was no second to the motion. Thus, there was no vote taken.

Amendment No. 4 – Offered by Council President Elliott

Councilman Hiob feels this is Amendment is unnecessary, confusing and redundant with State policy. Council President Elliott thinks this will clarify potential issues because attorneys look for “loop holes”. Councilman Hiob said this issue is a gray area and not inclusive. Councilman Kupferman said additional things must happen after the petition is approved, i.e., public works agreement, etc.

A motion was made by Council President Elliott and seconded by Councilman Kupferman to adopt Amendment No. 4.

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

Ayes – Mayor Bennett, Council President Elliott, and Councilman Kupferman

Nays – Councilwoman Young and Councilman Hiob

Amendment No. 5 – Offered by Council President Elliott

Councilman Kupferman noted that the acreage may not be proper but the Ordinance was clear to establish a reasonable fee. Semantics should not be an issue.

Councilwoman Young questioned the legality and asked if this was shown to the City attorney.

Councilman Hiob agrees with establishing fees; however the formula could be a nightmare for the Staff. The City currently has permit fees, etc.

Council President Elliott said developers should be paying appropriate fees.

A motion was made by Council President Elliott and seconded by Councilman Kupferman to adopt Amendment No. 5.

The motion was not adopted with a vote of 2 – yes, and 3 – no.

Ayes – Council President Elliott, and Councilman Kupferman

Nays – Mayor Bennett, Councilwoman Young, and Councilman Hiob

Amendment No. 6 – Offered by Council President Elliott

A motion was made by Council President Elliott; to adopt Amendment No. 6. There was no second. Thus, no vote was taken.

Amendment No. 7 – Offered by Councilwoman Young

This Amendment recommends changing the word to “may” in the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to adopt Amendment No. 7.

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

Amendment No. 8 – Offered by Councilwoman Young

This Amendment recommends changing some wording and correction of capitalization in the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Hiob to adopt Amendment No. 8.

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

Amendment No. 9 – Offered by Councilwoman Young

This Amendment is to add the word “calendar” to the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to adopt Amendment No. 9.

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

Amendment No. 10 – Offered by Councilwoman Young

This Amendment is to add the word “weekly” to the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to adopt Amendment No. 10.

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

Amendment No. 11 – Offered by Councilwoman Young

This Amendment is to add the word “city” to the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Hiob to adopt Amendment No. 11.

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

Amendment No. 12 – Offered by Councilwoman Young

This Amendment is to add the word “preliminary” to the Ordinance.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to adopt Amendment No. 12.

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

ORDINANCE NO. 736-08 FOR ADOPTION IN ITS ENTIRITY

Councilman Hiob asked if amendments can be made if this Ordinance is passed tonight. Mr. Miller said they could be made at the next meeting.

Council President Elliott asked how soon an answer on acreage could be given. Mr. Miller said there could be an answer by April 14th.

Mr. Miller noted that any and all amendments should have been submitted earlier.

Mayor Bennett said additional amendments could be made in the future.

Councilman Kupferman stated that any ordinance can be amended. He suggested adopting the ordinance tonight and vote on any other amendments later.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to adopt Ordinance No. 736-08, Annexation Procedures Incorporated into the Development Code as amended.

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

BUSINESS OF THE COUNCIL:

1. Unfinished Business

A. Old Philadelphia Road

Councilman Kupferman discussed an accident on Old Philadelphia Road by Ferrell Fuel after a rain storm. Mayor Bennett asked the truck speed. Chief Rudy noted that the truck was going 50% faster than other vehicles.

Councilman Kupferman wants an addition to the agenda to authorize proper drainage, widening the road to 24 ft., and have applicable businesses pay the costs.

Councilman Hiob noted that the truck driver had prior accident records. There are two documents from the Staff which are inconsistent; road work definitely needs to be completed. Some immediate action should be taken now. The cost can only increase in the future.

Councilwoman Young went to the scene and observed that potholes present an “obstacle course”. There are some possibilities for an inexpensive drainage area. Many trucks go too fast over the yellow line. She suggests filling potholes and examining the cost for a drainage area. The Council could consider band-aid improvements now because Rt. 7 may be considered part of the BRAC area.

Mayor Bennett said at the last Work Session the Council gave the Staff 4 to 5 weeks to return with a plan and other options.

Mr. Lapinsky had statistics on accidents to show this is not one of the worst areas in the City for injuries. The approved repairs should be done for the future.

Council President Elliott asked if the road and drainage would be done to conform with State Code.

Mr. Lapinsky suggested looking at other ideas costing less for now and address long term repairs later.

Councilman Kupferman does not want a quick fix. There could be no cost to the City by using a front footage tax.

Councilman Hiob noted that project parameters could be set to determine cost. The Staff opinion is a moot point and lowering speed will not help. Widening the road to 24 ft. should be done now.

Councilwoman Young asked why the Council does not have a copy of the document. Problems are magnified by poor choices made by drivers.

A motion was made by Councilman Hiob and seconded by Councilman Kupferman to allow a non code compliant road section being 24 ft. wide paving on the existing 40 ft. right of way on Old Philadelphia Road at the intersection of Rt. 40 to approximately 1,400 ft. southward. This proposal was designed and permitted under contract to the City of Aberdeen Grading Permit No. 04-02.

Mayor Bennett said by widening the roadway, traffic will go faster with a newer, wider road.

Councilwoman Young does not support curbs and gutters at this time in the area because it could change if the train station is located in the area.

Councilman Hiob noted that the Rt. 715 interchange is being improved.

Council President Elliott asked for a definition of non-compliant. Mr. Lapinsky defined it as not complying with the Development Code.

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

Ayes – Councilman Kupferman, and Councilman Hiob

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

2. New Business - None
3. Business from the Director of Planning and Community Development - None

4. Business from the Chief of Police

Chief Rudy reported that on a scheduled periodic audit for personnel, guns, etc., the City rated at a low risk for liability factors.

5. Business from the Director of Finance

A. Year-to-Date Financial Activities Report

The following is a brief financial report from Mr. Jack:

GENERAL FUND

Revenues	(\$111,176)
Expenditures	\$629,895

CAPITAL PROJECTS

Revenues	(\$648,927)
Expenditures	\$833,579

WATER FUND

Revenues	(\$1,918,386)
Expenditures	\$2,766,482

SEWER FUND

Revenues	(\$195,252)
Expenditures	(\$50,865)

STADIUM FUND

Revenues	\$68,129
Expenditures	\$326,119

6. Business from the Director of Public Works

A. Approval Bid No. 08-03, Bush Chapel Road

Mr. Lapinsky is requesting conditional approval of the low bid for Bush Chapel Road from LAI Construction in the amount of \$359,030.00. The Bush Chapel Road Project needs to be confirmed with the contractor before finalization.

Councilman Hiob asked the time frame for the work. He was told it was Spring.

A motion was made by Councilman Hiob and seconded by Councilman Kupferman to give conditional approval for Bid No. 08-03 to LAI Construction in the amount of \$359,030.00, Bush Chapel Road.

The motion was approved with a vote of 5 – yes.

B. Approval Bid/Budget Amendment No. 08-07, Moyer Drive Sewer Line Replacement

Mr. Lapinsky noted that this item was budgeted for last year pending a Budget Amendment. He is recommending Stewart & Tate with a low bid of \$83,551.55 pending approval of a Budget Amendment from the 07-08 Budget.

A motion was made by Councilman Kupferman and seconded by Councilwoman Young to approve Bid No. 08-07 in the amount of \$83,551.55 with an additional Budget Amendment which is pending approval by the Council.

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

C. Proposed Budget Amendment FY08 Hickory Ridge Meter Vault

Mr. Lapinsky recommends making the Hickory Ridge Meter Vault payment to the County in the amount of \$201,659.00 with the funds coming from the DPW Reserve fund.

A motion was made by Council President Elliott and seconded by Councilman Hiob to approve payment of the Hickory Ridge Meter Vault project to the County in the Amount of \$201,659.00.

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

D. Proposed Budget Amendment – SHA Relocation of the Water Line, Fairbrook Apts.

Mr. Lapinsky said the State Highway Administration project for improvements to West Bel Air Avenue requires relocating an 8 inch water main. The estimated cost is \$32,000.00 plus a 15% contingency.

A motion was made by Councilman Hiob and seconded by Council President Elliott to approve relocating an 8 inch water main on West Bel Air Avenue. The estimated cost for the project is \$32,000 plus a 15% contingency.

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

7. Business from the City Manager

Mr. Miller stated that a Council Work Session is scheduled for Monday, March 31, 2008 from 4:30 p.m. to 6:00 p.m. in the Council Chambers.

8. Business from the Council

Councilman Hiob reported that he, Ms. Grover, and Chief Rudy went to Dundalk to accept the Legacy Award in the amount of \$102,500 for the City. The funds will be used to improve facades along Rt. 40 and West Bel Air Avenue. Ms. Grover mentioned that letters have been sent to current and potential business owners with this information.

Councilman Hiob reported that Mr. Bob Lee Geddes passed away.

Councilwoman Young congratulated Ms. Grover for the award.

Councilwoman Young said there will be a meeting on Tuesday at 9:00 a.m. at the HEAT Center for the I-95 Express Project Presentation.

Councilman Kupferman noted that on March 22nd, the City will be 116 years old.

Council President Elliott mentioned that last Friday, George D. Lisby Elementary School at Hillsdale received an award of approximately \$6,000.

9. Business from the Mayor

Mayor Bennett attended a ground breaking for the C-4 ISR Campus at APG. The Lieutenant Governor was in attendance along with many military representatives.

Last Tuesday Mayor Bennett met with Congressman Ruppertsburger regarding BRAC concerns.

Additionally, last Tuesday the Mayor met with the County Executive on the Train Station, Multi-Modal, and water issues.

Mayor Bennett noted that the web site has met some small issues and should be on line soon.

PUBLIC COMMENT:

1. Ms. Ramona Bennett;

Ms. Bennett provided some additional information on the death of Mr. Geddes.

ANNOUNCEMENTS:

- Public Meeting – Gilbert Road Closing, County Administration Building, 220 S. Main Street, Bel Air, March 26th at 6:00 p.m.
- Earth Day, Aberdeen Festival Park, Saturday, April 19th at 11:00 a.m. – 4:00 p.m.

Mayor and Council Meetings

Work Session:	Monday, March 31st	4:30 pm
	Monday, April 21st	4:30 pm
Council Meeting:	Monday, April 14th	7:00 p.m.
	Monday, April 28th	7:00 p.m.

The meeting was adjourned at 10:05 p.m.