

**Aberdeen City Council Meeting
April 27, 2009**

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

Present: Mayor Bennett, Council President Hiob, Councilwoman Young,
Councilman Kupferman, Councilwoman Elliott

Absent: None

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

Mayor Bennett called the meeting to order in the Council Chambers at 7:00 p.m. The prayer was led by Pastor Ben Cordle, Baptist Church Fundamental Independent and the Pledge of Allegiance was led by Councilwoman Young.

The minutes of the April 13, 2009 meeting were approved unanimously as submitted.

PRESENTATIONS:

1. Proclamation in Observance of Silver Star Banner Day on May 1

Mayor Bennett declared May 1, the permanent and official day in the City of Aberdeen to remember the sacrifice of the men and women in the Armed Forces which is supported by the organization, the Silver Star Families of America.

2. Critical Areas Commission – Lisa Hoerger

Critical Areas Commission staff member, Lisa Hoerger, discussed the importance of the Critical Areas Commission (a State agency), the Critical Areas program, and the benefits to the Bay. This program will benefit approximately 100 acres within the Aberdeen area and affects Aberdeen because of Swan Creek and the tributaries that extend into the area of the waste water plant and toward Route 40.

3. Aberdeen Branding Project – Steve Johnson, Economic Development Commission (EDC)

Mr. Steve Johnson, EDC Chairman, Mr. Matt Christ, Design Consultant from Brand 3 Design, Mr. Don Curry, EDC member, and Mayor Bennett worked together in conjunction with a large group of citizens, business owners, and former-elected officials to produce a new tag line and brand image for the City of Aberdeen. The new tag line and logo does not replace the “All America City” title or the City seal itself. The new tag line, “Aberdeen,

Home of Opportunity” and brand image, a blue/gold sunrise, was created to enhance the City’s image and marketability. The graphic standards were illustrated for use in banner form, business cards, stationery, brochures, and variances of the logo.

PUBLIC HEARING:

1. Charter Amendment Resolution No. 09-CR-03, Scotten Property Annexation

Phyllis Grover stated the following: the public hearing was required by Ordinance 736-08; it is the estate of Nellie Virginia Scotten; the public hearing was advertised for four (4) consecutive weeks; the property contains .435 acres, the petition requesting annexation was submitted on October 10, 2007 to be zoned as integrated business district (IBD); is located in the City’s 2002 Comprehensive Plan Area 11 - Long Heat; is consistent with Harford County’s land use plan (mixed office, MO); is currently zoned agricultural (AG); the IBD zoning will exceed 50 percent of the density limitation specified in House Bill 1141; a waiver is required from the Harford County Council; a citizen input meeting was held on June 12, 2008; and the Planning Commission recommended annexing the property with IBD zoning on July 9, 2008. The introduction of Resolution No. 09-CR-03 was March 9, 2009.

- a) Bradley R. Stover, Gessner, Snee, Mahoney & Lutche, P.A., Bel Air and Dudley Campbell, Engineer for the Project;
Mr. Stover and Mr. Campbell referred to both the Scotten and Gilbert Road proposed annexations and offered their assistance with any questions from the Council.

2. Charter Amendment Resolution No. 09-CR-04, 952 Gilbert Road Annexation

Phyllis Grover stated the following: the public hearing was advertised for four (4) consecutive weeks; the property contains .763 acres; the petition requesting annexation was submitted on August 8, 2006 and amended on February 12, 2007 to be zoned as integrated business district (IBD); is located in the City’s 2002 Comprehensive Plan Area 11 - Long Heat; is consistent with Harford County’s land use plan (mixed office, MO); currently it is zoned agricultural (AG); the IBD zoning will exceed 50 percent of the density limitation specified in House Bill 1141; a waiver is required from the Harford County Council; a citizen input meeting was held on July 14, 2008; and the Planning Commission made a favorable recommendation for annexing the property with IBD zoning on September 13, 2006. The introduction of Resolution No. 09-CR-04 was March 9, 2009.

- a) Bradley R. Stover, Gessner, Snee, Mahoney & Lutche, P.A., Bel Air;
Mr. Stover added that they anticipated an agreement if the Council wished.

PUBLIC COMMENT:

1. Ms. Susan Shea;
Ms. Shea asked the Council to reconsider the Presbyterian Home annexation.
2. Ms. Megan Maffeo, Morris & Ritchie Associates, Inc., Abingdon, MD;
Ms. Maffeo was in favor of the Council moving forward with Resolution No. 09-CR-02.

3. Mr. Don Mauzy, 807 Maxa Road, Aberdeen;
Mr. Mauzy asked if the Presbyterian Home developer guaranteed the same water, sewer and tax free conditions to the prospective residences at the retirement. He also hopes that the Council votes the will of the people regarding the Glengarry Annexation.
4. Ms. Patricia Badeker, 698 Coutney Drive, Aberdeen;
Ms. Badeker expressed her approval of the Glengarry and Presbyterian Home Annexations.
5. Mr. Joseph F. Snee, Jr., Gessner, Snee, Mahoney & Lutche, P.A., Bel Air;
Mr. Snee explained that the continuing care retirement community makes it economically viable for local people to remain in Harford County when they are elderly. There is disinformation about the tax exemption they are seeking and this is a fundamentally different case than the tax law resulting from the 1988 Court of Appeals decision regarding the Asbury Methodist case. The Village at Carsins Run and Presbyterian Home Maryland is an integrated community, IRS exempt status under section 501(c)(3), all tax exempt but for the independent living units because of this decision. They would like to have equal footing for public and institutional purposes such as Father Martin Ashley Rehabilitation Center in Havre de Grace and the Churches. He asked the Council to reconsider.
6. Ms. Karen Heavey, 634 West Bel Air Avenue, Aberdeen;
Ms. Heavey reminded the Council about the 2006 Referendum. She is concerned about tax breaks and the related issues, but not opposed to retirement homes.

LEGISLATIVE SESSION:

1. Ordinance No. 09-O-02, Budget FY 2009-2010 (Introduction)

The Mayor stated that they will introduce the Budget on May 11 due to some adjustments. There will also be a public hearing on this date.

Councilman Kupferman asked for reopening of the Public Comment portion of the meeting on behalf of the Boys and Girls Club due to a technicality and the late hour.

PUBLIC COMMENT (reopened):

1. Mr. Terry Sexton, President of the Boys and Girls Club;
Mr. Sexton stated his disagreement with the Budget cut to the Club and asked for reconsideration.
2. Ms. Lieda Henson, 80 East Bel Air Avenue, Aberdeen;
Ms. Henson asked the Council to reconsider.
3. Ms. Brianna Ferra, Aberdeen;
Ms. Ferra is the Harford County Boys and Girls Club Youth of the Year and asked for Council support.
4. Ms. Cheryl Burgess, Aberdeen;
Ms. Burgess supports the Boys and Girls Club.

5. Ms. Diane Smith, Board of Director of the Boys and Girls Club;
Ms. Smith asked the Council to reconsider the Budget cut.
6. Mr. Tom Owen, past President of the Boys and Girls Club;
Mr. Owen asked for the City to continue support of this Club and appreciates the past partnership.
7. Mr. Randy Acosta, Executive Director, Boys and Girls Club;
Mr. Acosta said that this Club is an opportunity for kids and has a positive impact on the community.

LEGISLATIVE SESSION (reopened):

2. Resolution No. 09-R-01, Critical Areas (Adoption)

Ms. Grover explained that this is an abbreviated program and a full one needs to be developed in the near future. There are approximately 92 acres in the critical area of which there are seven properties. Fifty-one acres are located in the intensely developed area and fifty-five in the resource conservation area.

A motion was made by Councilman Kupferman and seconded by Councilwoman Elliott to adopt Resolution No. 09-R-01.

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

3. Charter Amendment Resolution No. 09-CR-01, Annexation for Glengarry (Adoption)

Ms. Grover stated the following: the property contains 497.21 acres; the petition requesting annexation was submitted on September 29, 2006 to be zoned R-2; is located in the City's 2002 Comprehensive Plan as Areas 9, Aldino Stepney, mixed residential uses, and 10 Adams Heights, low density residential uses; Harford County's zoning and land use designation is agricultural; this is R-2 (medium density) zoning; this will exceed the 50 percent of the density limitation specified in House Bill 1141; a waiver is required from the Harford County Council; two citizen input meetings were held on April 2, 2008 and May 28, 2008; the Planning Commission made a favorable recommendation for annexing the property with R-1 (low density residential) zoning on June 11, 2008.

A motion was made by Councilman Kupferman and seconded by Council President Hiob to adopt Charter Amendment Resolution No. 09-CR-01.

Mr. Miller explained that if they proceed without reconsideration of the action or inaction from the prior meeting, this vote would be for an annexation without an annexation agreement due to our own self-imposed regulations and House Bill 1141. There was discussion among the Council regarding the 2006 Referendum, the City Comprehensive Plan, City infrastructure, and the procedures regarding annexation.

There was no motion for reconsideration from those who voted in the majority at the April 13, 2009 meeting.

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

Ayes: Council President Hiob, and Councilman Kupferman

Nays: Mayor Bennett, Councilwoman Elliott, and Councilwoman Young

4. Charter Amendment Resolution No. 09-CR-02, Annexation for the Vernon K. Johnson Trust and Presbyterian Home of Maryland, Inc. Properties (Adoption)

Ms. Grover stated the following: the property contains 11.55 acres; the petition requesting annexation was submitted on December 5, 2006 and amended May 30, 2008; it is to be zoned integrated business district (IBD); is located in the City's 2002 Comprehensive Plan as Area 11 - Long Heat; it is consistent with Harford County's land use plan (mixed office, MO); currently it is zoned agricultural (AG); the IBD zoning will exceed 50 percent of the density limitation specified in House Bill 1141; a waiver is required from the Harford County Council; a citizen input meeting was held on April 29, 2008; and the Planning Commission made a favorable recommendation for annexing the property with IBD zoning on June 19, 2008.

Mr. Miller stated that the same warning applies to this annexation as he made previously for the Glengarry annexation. Council President Hiob asked those on the Council who voted in the majority at the April 13, 2009 Council Meeting if they wanted to reconsider. There was no response.

A motion was made by Council President Hiob and seconded by Councilman Kupferman to adopt Charter Resolution No. 09-CR-02.

There was Council discussion regarding ingress and egress, enhancement to the property, zoning, the tax abatement issue in Annapolis, and how this project will impact Aberdeen and Harford County. The Mayor pointed out that this vote is concerning the buffer property; not the project, and it is incorrect to infer that that the Presbyterian Home project is not supported.

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

Ayes: Council President Hiob, and Councilman Kupferman

Nays: Mayor Bennett, Councilwoman Elliott, and Councilwoman Young

BUSINESS OF THE COUNCIL:

1. Unfinished Business - None
2. New Business - None

3. Business from the Director of Planning and Community Development

a) Final Subdivision Plat One and Two – North Gate Business Park

Ms. Grover stated the following information about the two final subdivision plats: the area is 15.81 acres; zoned B-3 (highway commercial district); located off of Maryland Route 22 and adjacent to Aberdeen Proving Ground; it is a three-lot subdivision; and was reviewed and recommended for approval by the Planning Commission on April 8, 2009. Mr. Tory Pierce from Frederick Ward Associates and Mr. Murray DeMuth from COPT (Corporate Office Properties Trust) were present and explained the areas in detail.

A motion was made by Councilwoman Young and seconded by Councilman Kupferman to approve the Final Subdivision Plat One and Two – North Gate Business Park.

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

Ms. Grover announced that on May 12, 2009, the George D. Lisby Elementary School is scheduled to host the National Safe Routes to School Training Conference. She invited the Council and mentioned that Aberdeen received a \$54,000 grant for this school. There will be another application on July 2 for another school.

4. Business from the Chief of Police

Chief Rudy reported that a member of the Aberdeen Police Department (APD) was recognized by the Harford County Sheriff and Drug Enforcement Administration (DEA) in regard to serious narcotics investigations over the past year.

Over the last two weeks, the APD re-qualified staff on duty pistols, shotguns and patrol rifles. There was no one requiring remedial.

5. Business from the Director of Public Works

Mr. Jack made a brief report on Budget highlights.

The FY 2010 Budget request for all funds is \$35,911.00. The Budget is \$12,122.00 more than FY 2009 appropriation which is due to the State-mandated upgrades to the waste water plant for enhanced nutrient removal (ENR) technology. The estimated cost for this project to the City is \$40 million dollars.

The real property tax will remain at \$0.700 per \$100 of assessed value in FY 2010. There are no salary increases or cost of living adjustments. The breakdown of the Budget expenditure funds is as follows: General Fund is \$12,566,000 which is \$575,000 less than the the 2009 appropriation; the Capital Projects Fund is \$537,000 which is \$782,000 less than the 2009 appropriation; the Water Fund is \$2,572,000 which is \$2,997,000 less than the 2009 appropriation; the Sewer Fund is \$19,477,000 which is \$16,491,900 higher than the 2009 appropriation and includes the \$14 million for the ENR upgrade and \$1.7 million for

economic stimulus projects; and the Stadium Fund is budgeted at \$759,000 which is \$15,000 lower than the 2009 appropriation

6. Business from the Director of Public Works (DPW)

a) APG Budget Approval

Mr. Lapinsky requested approval for the APG Budget for Water and Sewer which includes operations/capital improvement phase and waste water operations/capital improvement budget. He explained this was a formality; it is a cost of service agreement. The monies are generated by the Federal Government, Department of the Army.

A motion was made by Councilwoman Young and seconded by Council President Hiob to approve the APG Budget (Water Utility Service for APG) as presented.

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

Mr. Lapinsky announced that DPW has started to badge all contractors for verification purposes and that citizens may ask to see this identification. An orange numbering system is being used on manhole lids which is part of the ongoing sanitary sewer I & I project. Potholes may be reported via www.pothole@aberdeen-md.org or by calling 410-272-1414. Mr. Lapinsky also invited everyone to attend, “Meet the Department of Public Works Night” on April 29, 2009 at the Waste Water Facility at Michel Lane for a tour followed by a briefing.

7. Business from the City Manager

a) FY Budget Overview

Mr. Miller stated that they had intended to introduce the budget tonight but it was pulled off for further review by the Mayor. There are actually five budgets: General Fund, Capital Projects Fund, Water Fund, Sewer Fund, and Stadium Fund.

Mr. Miller continued to say that this was the first time in 26 years that there were no cost of living increases or raises given, but that they were successful in avoiding any furloughs in the workforce. At the May 11 Council Meeting, the Budget will be introduced and there will be public hearings on this and Constant Yield Tax Rate.

He also mentioned that *The Record* is the paper of general use by the City; however, due to the change of size and formatting of *The Record*, the advertisement for the Constant Yield Tax Rate may need to be placed regularly in *The Aegis*, in the future, to comply with State requirements for these ads. This year, it was placed in both papers.

PUBLIC COMMENT:

1. Ms. Karen Heavey, 634 West Bel Air Avenue, Aberdeen;
Ms. Heavey attended the Comprehensive Rezoning meeting at Aberdeen High School last week and observed other residents of the County in opposition to high density rezoning in Harford County. She also attended the Train Station meeting at the HEAT Center and was impressed by the plans. This can be reviewed on www.apg-cssc.com or www.aberdeencommunitiestogether.com.
2. Mr. Robert Price, 615 Gilbert Road, Harford County;
Mr. Price said that that 40% of the voters, in the 2007 election, gave Council President Hiob the right to represent the citizens of Aberdeen; however, Council President Hiob does not recognize the legitimacy of the 2006 Referendum where 65% of the people voted against the annexation. He feels that one should accept both or neither. If Presbyterian Home of Maryland needs subsidy for water and sewer, and a tax abatement to exist, than it is probably a bad deal for Aberdeen. Businesses should exist on their own merits.
3. Mr. Peter Dacey, 16 Cresmont Drive, Aberdeen;
Mr. Dacey said that the Council made a destiny decision tonight, meaning a strategic leadership decision of historic magnitude. Mr. Dacey talked about the history of Aberdeen/Harford County, previous destiny decisions, and how these decisions affected us then and now concerning the development envelope, zoning, land use, water, and annexations. He said that if the City does not have an annexation strategy then it will become an enclave and implode. Emphasis needs to be on the destiny of the City in a beneficial direction with community interest at the core.
4. Mr. Daniel White, 141B Hanover Street, Aberdeen;
Mr. White asked everyone to help out with a May 23 project to bring the City together.

BUSINESS OF THE COUNCIL:

1. Business from the Council

Councilwoman Elliott announced the Aberdeen Senior Center agenda for May.

Councilman Kupferman requested the cut from the EDC as well as the Boys and Girls Club line items be added back into the Budget. He wants the deer overpopulation addressed as well.

Councilwoman Young stated that Earth Day on April 18 was a great success. She attended the Harford County Comprehensive Rezoning meeting at Aberdeen High School, Aberdeen Chamber of Commerce Meeting at Bulle Rock Golf Course, and on April 22, the Multi-Modal meeting. She stated that projects get better with more ideas and polishing but that she cannot support the the Glengarry project. Due to the income levels of the Aberdeen residents, she also cannot endorse Presbyterian Home of Maryland; however, it is a good project. She was very pleased with the new City branding.

Council President Hiob said that he feels Aberdeen is becoming surrounded by development; an enclave. He explained the enterprise zone tax credit, which has been effective about 10 years, is beneficial to Aberdeen since it encourages the creation of business in unproductive and derelict areas. He is not in favor of the proposed cut to the Boys and Girls Club. On April 18th, he attended the 39th Earth Day and the Aberdeen Parks and Recreation Opening Day Parade and Rally event. April 21, he attended the Chamber of Commerce meeting. April 22, he attended the Multi-Modal information meeting at the HEAT Center, and April 24 he was the guest speaker at Aberdeen Communities Together (ACT) meeting.

2. Business from the Mayor

Mayor Bennett attended the public hearing for the Train Station and is serving on its working group along with Ms. Grover. He attended a BRAC Local Government Subcommittee meeting in Howard County on Thursday, April 23 followed by the MML Chapter meeting in North East. On Saturday, April 25, he attended a MML Board of Directors meeting in Gaithersburg. He then attended an Open House in Bel Air and spoke to Congressman Kratovil about APG issues. He stated that the Aberdeen Senior Center had their carpets cleaned and received a new refrigerator. In conclusion, Mayor Bennett expressed thanks to DPW for their efforts with the Senior Center.

ANNOUNCEMENTS:

Next Council Meeting:	Monday – May 11, 2009 at 7:00 p.m.
Next Council Work Session:	Monday – May 18, 2009 at 4:30 p.m.

ADJOURNMENT:

The meeting was adjourned at 9:28 p.m.