

**Aberdeen Council Meeting
August 24, 2009**

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

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

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
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 Melvin Taylor of the Word of Faith Outreach Ministries and the Pledge of Allegiance was led by Council President Hiob.

The Minutes of the August 10, 2009, Council Meeting were approved as submitted with a vote of 5 – yes.

PRESENTATIONS:

1. Appearance and Preservation Awards – Ms. Mary Law and Mr. John Law
 - a) Joe and Rita Traino, 150 Mt. Royal Avenue;
Mayor Bennett, Ms. Law, and Mr. Law presented the Proclamation to the Trainos and thanked them for taking pride in their home.
 - b) Joy and Michael Cain, 26 Aberdeen Avenue;
Mayor Bennett, Ms. Law, and Mr. Law presented the Proclamation to the Cains and thanked them for the pride they show in their property.

PUBLIC HEARINGS: None

PUBLIC COMMENT:

1. Ms. Sandy Pierce, 436 W. Bel Air Avenue;
Ms. Pierce read from a four page statement listing her opposition to the Helton Property Rezoning Request. Her comments included buffer issues, variances, overlay district, drainage problems, increased traffic, environmental impact, etc.

2. Ms. Gail Ellis, 80 Mt. Royal Avenue;
Ms. Ellis also opposes the Helton Property Rezoning Request. She noted standing water, vehicle and school traffic, children walking to school, additional noise, etc. The Council was asked to take a second look at the request.
3. Mr. Bob Hartman, 226 Paradise Road;
Mr. Hartman asked that the 6th Amendment to the Water Agreement be tabled because the public had not been informed.
4. Mr. Dan Pierce, 436 W. Bel Air Avenue;
Mr. Pierce said changes in zoning should show that a mistake was made or substantial changes in characteristic have occurred. The surrounding homes have not changed in appearance. Residents were not made aware of this issue. Rezoning is not in compliance. Mayor Bennett asked those in attendance who opposed this issue to stand.
5. Mr. William Oberholtzer, 503 W. Bel Air Avenue;
Mr. Oberholtzer does not want to see a monolith in the center of the City. He retired to Aberdeen due to the character of the area. It is no longer family oriented. As a result, he is opposed to any rezoning of buildings of this nature.
6. Mr. Sam Ruchko, 334 Graceford Drive;
Mr. Rusco is opposed to B-3 zoning for 35 acres near his home. The Council should review the request because of the potential problems it could cause.
7. Mr. George Hypes, 444 W. Bel Air Avenue;
Mr. Heips opposed the rezoning request for the Helton Property. He signed a petition with 70 signatures opposing the request. An issue not taken into consideration is the fact that the railroad backs traffic up to Paradise Road.
8. Mr. Jason Chmielewski, 322 Graceford Drive;
Mr. Chmielewski stated that the addition of these buildings will not add any beauty to the City. If this action is approved his family will move within five years.
9. Mr. Lou Boeri, Merritt Properties;
Mr. Boeri, the contract purchaser of 35 acres on W. Bel Air Avenue, supports the project, and is willing to work with the community. This is a natural project and LEED (Leadership in Energy and Environmental Design) Certified. His group is concerned with height limits and over one half of the property will be preserved in its natural condition.
10. Ms. Jutta Hypes, 444 W. Bel Air Avenue;
Ms. Heips noted that the Helton request will add 230 cars per day to West Bel Air Avenue and cause a horrible traffic jam and feels this is a very bad idea.

LEGISLATIVE SESSION:

1. Ordinance 09-O-03, amendment to City Code, Chapter 63, Environmental Control and Property Maintenance (Introduction)

Mayor Bennett introduced Ordinance 09-O-03 and mentioned that copies were available at this meeting and in the future could be picked up at City Hall.

2. Ordinance 09-O-04, Sectional Map Amendment (For Adoption)

Ms. Grover said this Ordinance is addressed in Section 142-15 of the City of Aberdeen Comprehensive Zoning Code. The action was advertised for four consecutive weeks and a Public Hearing was also held. The Planning Commission gave their approval on May 13, 2009. Mr. Miller stated that there were additional requests on file which should be considered at a later date. This action would allow action to be taken on those listed tonight.

A motion was made by Council President Hiob and seconded by Councilwoman Elliott to approve Ordinance 09-O-04 Sectional Map Amendment excluding lines 35 through 37 (Helton Property) for M-1 zoning.

Councilwoman Elliott asked if there was currently action before the Appeals Board for an extension. Ms. Grover said an extension has already been granted.

Councilman Kupferman felt that more discussion would be needed and a public forum should be held. Additionally, SHA (State Highway Administration) input would be necessary. He supported the amendment made by Council President Hiob.

Councilwoman Young said the public should be aware of this project. There should not be an issue with an earlier request for a zoning change. Each property was advertised individually.

Council President Hiob said the Helton variance was extended for six months. Currently, there is no water allocation for this property.

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

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

Nays: Councilwoman Young

3. 6th Amendment to the Water Agreement (Harford County/Aberdeen)

Mayor Bennett noted that the Council and audience had copies available and called for comments from the Council.

Councilman Kupferman mentioned that Council President Hiob has asked for Buy Back language to be included in the Amendment. This action would enable the City to sell water back to the County to help recoup losses. He felt this should be tabled because 300,000 gallons of water is currently unacceptable. The Ordinance, as presented, should be returned to the County to change the figures to the City's favor. A few additional weeks would not be earth-shattering.

Council President Hiob wanted the Buy Back Clause to help the City; the County wants "to have its cake and eat it too". The Buy Back Clause depreciates over the years on 300,000 gallons of water. The recalculation would increase by 6% and there would be a Sun Set clause after 5 years. The purchase would help defray the cost of the water plant now. Council President Hiob wanted this Amendment tabled so the contract can be improved.

Councilwoman Elliott noted that the Buy Back must be sold at a depreciated value. Water is more valuable, not less. The Council should talk to the County regarding depreciation and the Buy Back issue. This is a big step with loop holes that should be closed. She wanted to table this action and go back to the County.

Councilwoman Young supported the 6th Amendment to the Water Agreement and would like to see the following to happen:

- a) Take place immediately.
- b) Meet the agreement for the City to have AAA rating.
- c) Payment to be made by new development, not current residents.
- d) Expansion can happen at a later date if needed.
- e) Will be more expensive at a later date – the City's plant could be 5 years from now.
- f) Rate payers will pay the bills if this opportunity is missed.
- g) To miss this opportunity, the City is "shooting itself in the foot".

Councilman Kupferman felt more time and comments are needed. EDU's are the bottom line. Currently, the City has 9 or 10 projects needing water. MDE needs 200 gallons per EDU. More gallons will be available. He sees this Amendment as a "good deal" if the City can clean up the Buy Back issue.

Councilwoman Elliott was not opposed to the 300,000 gallons but wanted the best buy for the buck.

Council President Hiob said new development will pay for the loan only if it follows through; 68 EDU's are needed per year. It is not true that current rate payers are responsible for the debt. This can be done again, but improvements are needed.

Mayor Bennett said there is only one Council meeting before October 1, 2009, which is the deadline for the loan. That meeting is scheduled for September 21, 2009.

A motion was made by Councilman Kupferman and seconded by Council President Hiob to table the 6th Amendment to the Water agreement between Harford County and Aberdeen until September 21, 2009, unless additional information is available before this date.

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

BUSINESS OF THE CITY:

1. Unfinished Business – None
2. New Business – None
3. Business from the Director of Planning & Community Development
 - a) Preliminary Site Plan – The Commons at Fieldside Village

Ms. Grover introduced Mr. Paul Muddiman and Ms. Megan Maffeo with Morris Ritchie Associates, Mr. Joseph Credit with New Town Commercial Enterprises, LLC, and Mr. Jay Young, Attorney. She stated that this is Lot 1, Parcel 108 on Tax Map 51 and is located off of Long Drive and Gilbert Road. The Mayor and Council approved this parcel which was known as Fieldside Village and consisted primarily of retail in 2005. Due to problems, the proposed retail never came to fruition. The current request is for 4 office buildings consisting of: three containing 120,000 sq. ft. of office space and one containing 140,000 sq. ft. of office space. The Planning Commission approved this request in July, 2009.

Mr. Jim Richardson, Director of Economic Development for Harford County, said there is a shortfall of commercial property in Aberdeen. However, BRAC will require 2.1 to 3.1 million sq. ft. of office space.

Mr. Paul Muddiman and Ms. Megan Maffeo gave a PowerPoint presentation. Mr. Muddiman said this request was reviewed by the Architectural Review Committee in December 2008, and by the Planning Commission in July 2009. The current zoning is IBD (Integrated Business District). It is believed that varied uses will complement each other. Businesses will be patronized by workers as well as residents. There will be 500,000 sq. ft. of Class A office space on these lots. Construction will take place as the need arises. There will be three entrances on Long Drive, two on Gilbert Road, and one to the Ripken Complex. Landscaping is planned, parking will be contained, and there is an agreement to use 500 spaces at Ripken. The proposed buildings will be brick with high quality interiors. Comments by the Planning Commission have been addressed.

Mr. Joseph Credit with Sherwood Partners, LLC said the property is owned by New Town Commercial, LLC. He gave a chronology and overview of the history of the site from April 2003 – December 2008. To date, his organization has spent \$11,744,164 on this project. Commercial tax receipt on retail could be \$768,000 and residential taxes could be \$200,000 at build-out.

Mr. Jay Young, Attorney said this property meets principle permitted use and is market driven. Currently, retail will not work; office space is needed now.

Council President Hiob asked about the availability of 500 parking spaces and their overlay. He was told this would be done. Council President Hiob asked when the start date would be. Mr. Credit said construction would begin when there was a tenant under contract.

Councilwoman Young asked if surfacing and resurfacing included snow removal. Mr. Credit said New Town would pay their portion. Councilwoman Young also asked if lighting would be maintained and Mr. Credit said it would.

Councilman Kupferman said he was disappointed because of what was originally promised and the tax revenue the City would receive. Mr. Credit said he is also disappointed but can't predict the future or the tenants.

A motion was made by Councilwoman Elliott and seconded by Council President Hiob to approve the Preliminary Site Plan for the Commons at Fieldside Village.

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

Ayes: Mayor Bennett, Council President Hiob, Councilwoman Elliott, and Councilwoman Young

Nays: Councilman Kupferman

b) Update to the Comprehensive Plan – Status Report

Ms. Grover reported that a Comprehensive Plan update was required. The Master Plan had to be updated by October 1, 2009, to include a Growth Element and a Water Resource Element. The City began working on this matter in January, 2008. They contracted with Kittleson and Associates who began reviewing plans for a Transportation Element. The update was completed in April, 2009. Two public workshops were held in March and July of 2008. The City contracted with Davis, Bowen, and Friedel, Inc. for the Water Resource Element which is still in process. The Department of Planning asked the Maryland Department of Planning for a six month extension. We received an extension through April 1, 2010 to adopt the Municipal Growth Element and the Water Resource Element as part of the Comprehensive Plan update. The Department of Planning and Community Development and the Planning Commission have submitted two drafts to the Maryland Department of Planning and are now addressing those comments.

c) Final Subdivision Plot, Aberdeen Exchange

Ms. Grover said this action is to consolidate parcels with B-3 zoning at the intersection of Rt. 715 and Rt. 40. The request was approved by the Planning Commission at their August, 2009, meeting.

Mr. Tory Pierce with Fred Ward Associates said the request included five parcels along Newton Road. They are working with the Department of Public Works on the final plans.

Councilwoman Young asked if Newton Road was public. Mr. Pierce said it will be improved as a public road. She asked what the anticipated uses would be. Ms. Nolan said Lot 1 would be a Royal Farm Store and the remainder would be BRAC service related. Lot 5 will be market driven.

Ms. Kate Nolan with Ryan Commercial noted that the State Highway Administration is currently working on the plans.

A motion was made by Council President Hiob and seconded by Councilman Kupferman to approve the Final Subdivision Plot, Aberdeen Exchange.

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

4. Business from the Chief of Police

Chief Rudy said the Line of Duty Statistics reported that there were 77 deaths by gun fire in the United States for a one year period. Fortunately, none were in Maryland.

5. Business from the Director of Finance – None

6. Business from the Director of Public Works

Mr. Lapinsky reported that all of the items being requested are in the current Budget.

a) Approval of Backhoe, Bid No. 09-12

Mr. Lapinsky requested bids and recommended the Folcomer Equipment Corp. in the amount of \$72,338.00.

A motion was made by Councilwoman Elliott and seconded by Councilman Kupferman to approve the Backhoe Bid No. 09-12 in the amount of \$72,338.00 from the Folcomer Equipment Corp.

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

b) Approval of Brush Chipper, Bid No 09-13

Mr. Lapinsky requested bids and recommended the Vermeer Company in the amount of \$27,240.00.

A motion was made by Council President Hiob and seconded by Councilman Kupferman to approve the Brush Chipper Bid No. 09-13 in the amount of \$27,240.00 from the Vermeer Company.

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

- c) Approval of 1-Ton, 4WD Ext. Cab Pick Up Truck, Bid No. 09-14

Mr. Lapinsky requested bids and recommended Plaza Ford in the amount of \$41,374.00.

A motion was made by Councilwoman Elliott and seconded by Council President Hiob to approve the 1-Ton, 4 WD Ext. Cab Pick Up Truck Bid No. 09-14 in the amount of \$41,374 from Plaza Ford.

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

- d) Approval of Small Pick Up Truck, Bid No. 09-15

Mr. Lapinsky requested bids and recommended Plaza Ford in the amount of \$22,904.00.

Council President Hiob asked if there were any bids from businesses in Aberdeen. Mr. Lapinsky said none were received.

A motion was made by Council President Hiob and seconded by Councilwoman Young to approve the Small Pickup Truck, Bid No. 09-15 in the amount of \$22,904.00.

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

- e) ENR Engineering Contracting Amendment

Mr. Lapinsky reported that there was a need for additional design and engineering work. Additionally, four projects still must be reviewed. The City needs an additional \$40,032 to meet the deadline. The four items are a Filter Building, a Costic Feed Supply, a Fiberoptic Line, and an Emergency Power Supply. The meeting is scheduled for September 11, 2009.

A motion was made by Council President Hiob and seconded by Councilman Kupferman to approve the request for \$40,032 for the ENR Engineering Contract Amendment.

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

Mr. Lapinsky displayed a sign to be posted at the Wellhead Protection Areas and on City Streets. There will be no cost to the City for these signs.

7. Business from the City Manager – None

PUBLIC COMMENT:

1. Ms. Valerie Warfield, 834 Old Philadelphia Road;
Ms. Warfield said the property in the Aberdeen Exchange cannot be sold without EDU's.

BUSINESS OF THE COUNCIL:

1. Business from the City Council

Councilwoman Elliott noted that vacant lots in the City are not being maintained. Owners are required to maintain these lots even though some may not be City residents. She announced upcoming Senior Center events.

Councilwoman Young noted the introduction of the Property Maintenance Code and the review of other Codes and that safety exists when there is a sense of safety and ownership. The City must enforce the Codes which will help with taxes and discourage crime. An e-mail was received regarding what citizens should do to show they care about their homes. Other people feel the City should hire additional Staff. Councilwoman Young, again, reminded residents of the Fix-It-Up Program which still has funds available.

Council President Hiob asked when the State mandate for upgrades would appear on bills. Mr. Miller said the ENR (Enhanced Nutrient Removal) upgrades at the Waste Water Treatment Plant will mirror the ENR fees. The quarterly cost will be determined later in October or November. Mr. Miller added that the fees would be variable. Council President Hiob attended the Havre de Grace Community Center Police Affair. There were approximately 300 – 400 in attendance.

2. Business from the Mayor

Mayor Bennett thanked everyone for their expressions of sympathy on the death of his mother who was buried in Indiana.

ANNOUNCEMENTS:

Next Council Meeting Monday, September 21, 2009 at 7:00 p.m.

ADJOURNMENT:

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