

**City of Aberdeen Council Meeting
December 14, 2009**

Present: Mayor Bennett, Councilwoman Elliott, Councilman Garner,
Councilwoman Landbeck, 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
Monica Correll, City Clerk

Mayor Bennett called the meeting to order in Council Chambers at 7:00 p.m. The prayer was led by Pastor Thomas Fender, Aberdeen Church of Christ and the Pledge of Allegiance was led by Councilwoman Young.

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve the minutes of the November 23, 2009 Council meeting. The minutes were approved unanimously as submitted.

PRESENTATIONS: None

PUBLIC HEARINGS: None

PUBLIC COMMENT:

1. M. Bob Hartman, Paradise Road;
Mr. Hartman feels that the Holiday Inn Express should be tabled tonight.
2. Mr. Bruce Maxwell, Edmund Street;
Mr. Maxwell expressed concerns over the driving practices of the Aberdeen Police Department (APD) and their response time to calls.
3. Mr. Michael Hiob, Graceford Drive;
Mr. Hiob disagreed with the recent Council President decision.
4. Mr. Ketan Patel, Barnett Lane;
Mr. Patel asked the Council to uphold rules and regulations fairly in the City pertaining to development.
5. Ms. Karen Heavey, W. Bel Air Avenue;
Ms. Heavey commented on the agenda postings and would like the Holiday Inn project put on hold.
6. Ms. Howett, Hanover Street;
Ms. Howell commented on the poor conditions of the Affinity Old Post Apartments.
7. Mr. Steve Johnson, Chair, Economic Development Commission (EDC);
Mr. Johnson urged the Mayor and Council to promote business in Aberdeen. He discussed the Business Resource Guide.

LEGISLATIVE SESSION:

1. Ordinance No. 09-O-05, Proposed Sectional Map Amendments, Phase II (For Adoption)

Ms. Grover provided background information and proposed zoning on the following properties:

MSB Squared at Hamilton Court, LLC, property is located at the corner of Old Post Road and MD 22, Aberdeen, Tax Map 204, Parcel 2280, 6.14 acres, from the current zoning of B-1 Neighborhood Business to B-3 Highway Commercial.

Aberdeen Products, Inc., property is 910 Old Philadelphia Road, Aberdeen, Tax Map 58, Parcel 505, 21 acres, from the current zoning of M-1 Light Industrial to B-3 Highway Commercial.

Colony at Beards Hill, LLC, property is located between Beards Hill Road and MD 22, Aberdeen, Tax Map 202, Parcel 2864, 6.58 acres, from the current zoning of B-3 Highway Commercial and R-2 Medium Density Residential to B-3 Highway Commercial.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve Ordinance No. 09-O-05.

Councilwoman made a motion to amend Ordinance No. 09-O-05 to exclude Colony at Beards Hill, LLC property and defer to a later date. Councilwoman Young asked for further discussion at a work session. Councilwoman Elliott seconded.

There were no questions under the amendment from the Council.

Ayes: Councilwoman Elliott, Councilwoman Young, Councilman Garner
Nays: Councilwoman Landbeck, Mayor Bennett

The motion to amend Ordinance No. 09-O-05 passed with a vote of 3 – yes, 2 – no.

Mr. Miller offered a procedural option to defer the entire ordinance to January 11, 2010 in compliance with the Charter. The Mayor asked Councilwoman Elliott how she wished to proceed.

It was decided to proceed with the motion on the table to approve Ordinance No. 09-O-05 as amended to approve the zoning for MSB Squared at Hamilton Court, LLC and Aberdeen Products, Inc. There were no questions from the Council.

Ayes: Councilwoman Elliott, Councilwoman Landbeck Councilwoman Young, Councilman Garner
Nays: Mayor Bennett

The motion was passed to approve Ordinance No. 09-O-05 as amended with a vote of 4 – yes, 1 – no.

2. Resolution No. 09-R-08, Annexation Plan - Chapel Estates, Hiob Lane (For Adoption)

Ms. Grover presented background information and that it was a requirement of House Bill 1141 and City Ordinance 736-08. Council discussion followed.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve Resolution No. 09-R-08. Council discussion followed under the motion regarding the next steps under this agreement to be discussed at a work session.

The motion was passed with a vote of 5 – yes, 0 – no.

3. Resolution No. 09-R-09, ARRA Loan (For Introduction and Adoption)

Mr. Miller explained that this resolution is needed to close the loan for the stimulus money through Maryland Department of Business and Economic Development (MDE) for up to \$640,500 to be used on four City projects.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Young to approve Resolution No. 09-R-09. This was followed by Council discussion with Mr. Miller pertaining to the monies, goods, services, engineering, and project management.

Ayes: Mayor Bennett, Councilwoman Landbeck, Councilman Garner, and Councilwoman Young
Nays: Councilwoman Elliott

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

4. Resolution No. 09-R-12, Greater Aberdeen/Havre de Grace Enterprise Zone, ProLogis-Exchange MD, LLC, 600 Hickory Drive (For Introduction and Adoption)

Ms. Grover provided background information on this property. Council discussion followed. The Mayor advised the City Council that the three resolutions (09-R-12, 09-R-13, 09-R-14) are for introduction and adoption and it is an option to move them to a work session for discussion on December 21, 2009.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Young to hold Resolution No. 09-R-12, Resolution No. 09-R-13, and Resolution 09-R-14 to the December 21, 2009 Work Session. No discussion under the motion.

The motion was passed with a vote of 5 – yes, 0 – no.

5. Resolution No. 09-R-13, Greater Aberdeen/Havre de Grace Enterprise Zone, Asha Hospitality Inc. Trading as Hilton Garden Inn, 1050 Beards Hill Road (For Introduction and Adoption)

Held for discussion at a work session.

6. Resolution No. 09-R-14, Greater Aberdeen/Havre de Grace Enterprise Zone, Tractor Supply Company, 1040 Beards Hill Road (For Introduction and Adoption)

Held for discussion at a work session.

BUSINESS OF THE CITY:

1. Unfinished Business – None

2. New Business – None

- a. Committee Appointments

Mayor Bennett presented the name of Barbara Hiob to serve on the Appearance and Preservation Committee.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to appoint Barbara Hiob to the Appearance and Preservation Committee.

The motion was approved with a vote of 5 – yes, 0 – no.

3. Business from the Director of Planning and Community Development

Ms. Grover presented background information

- a. Final Subdivision Plat for Clark Properties, LLC at Third Street

Mr. Dallas, engineer, J.S. Dallas, Inc., was present to answer questions from the Council. Ms. Grover added a condition upon approval that certification is needed from a professional engineer on water usage.

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve the Final Subdivision Plat for Clark Properties, LLC at Third Street.

The motion was passed with a vote of 5 – yes, 0 – no.

b. Holiday Inn Express

1) Final Subdivision Plat

Ms. Grover provided background information on the property located at 1001 Beards Hill Road formerly the Texaco Gas Station. The Planning Commission did not recommend approval at their October, 2009 meeting. Mr. Dudley Campbell, Bay State Land Services, provided information and answered questions from the Council.

Mr. Miller requested that memorandums given to him from Ms. Grover and Mr. Lapinsky regarding conditional minimum requirements, be referenced as conditions upon approval. This was followed by Council discussion.

Councilwoman Elliott asked why they were presented this if the Planning Commission did not approve. Councilwoman Landbeck, a previous Planning Commission member, explained that the commission was divided and that there should be a right of appeal. Phyllis Grover explained that the Mayor and City Council are the appeal process since both the final subdivision plat and the preliminary site plan were not approved by the Planning Commission. Mr. Campbell said that there is a perceived parking problem.

Council decided to consider the preliminary site plan.

2) Preliminary Site Plan

Ms. Grover provided background information on the preliminary site plan for the Holiday Inn Express including issues on the number of rooms, utilities, subdivision, access, site landscaping, as well as parking. Mr. Miller reminded the Council about the Staff memorandums from Ms. Grover and Mr. Lapinsky.

Mr. Campbell presented information and discussed the proposed entrance, revitalization, traffic improvements, City code compliance, storm water management, landscaping, and parking requirements.

This was followed by Council questions and staff questions and concerns. Mr. Campbell said that they would respectfully comply with the City's conditions upon approval. Mr. Lapinsky asked to review the utility changes. He said that there had been a meeting conducted since the October Planning Commission, and that the developer agreed, at their expense, to extend public water and sewer utilities from Beale Drive along Beards Hill Road to the corner of Route 22, terminate the current water mains that service the site all the way to Beale Drive, connect it into the new sanitary sewer and water line, and the design to be approved by the City. The plan did not reflect this, the City must be certain that the developer is willing to do this, and it must be reflected in the motion. Mr. Campbell said he was not present at that meeting

and it must have been an agreement between Mr. Hapsis, the owner, and the City. There was further discussion on other concerns such as gas tank removal and MTBE (from gasoline). There would be no banquet facility; just a snack bar. The Council was provided the SHA approval letter approving the entrance to the site.

Councilwoman Young suggested that this matter be returned to the Planning Commission; the matters should be resolved and put in writing so that this does not create a poor precedence. Councilwoman Elliott also was in agreement stating her safety and parking concerns.

A motion was made by Councilwoman Landbeck and seconded by Mayor Bennett to approve the Final Subdivision plat for the Holiday Inn Express subject to the comments by the Director of Planning and Community Development and the Director of Public Works and also conditional upon, prior to the approval of the building permit, that all parking issues are resolved.

Mr. Miller added that the comments from the Director of Planning and Community Development and the Director of Public Works are contained in a memorandum dated December 14, 2009 addressed to him regarding these two subjects.

There were no questions under the motion.

Ayes: Mayor Bennett, Councilwoman Landbeck
Nays: Councilwoman Elliott, Councilman Garner,
and Councilwoman Young

The motion failed with a vote 2 – yes, 3 – no.

The Mayor stated, after consulting with Staff, that it was not necessary to proceed with a vote on the preliminary site plan.

4. Business from the Chief of Police

Chief Rudy reported that the APD applied for \$20,030 in grants from the State Highway Administration (SHA). He will be following up with Mr. Maxwell's concerns.

5. Business from the Director of Finance - None

6. Business from the Director of Public Works

a. Stearns & Wheeler Contract for ENR

Mr. Lapinsky said this is a complicated contract and will postpone to a work session discussion. He did, however, request approval for a contract proposed in the amount of \$19,127 for the return activated sludge pump replacement which is part of the oversight money from the ARRA loan.

A motion was made by Councilwoman Young and seconded by Councilman Garner to approve the construction engineering costs of \$19,127 for the activated sludge pump replacement.

Ayes: Mayor Bennett, Councilwoman Landbeck, Councilman Garner, and Councilwoman Young

Nays: Councilwoman Elliott

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

b. Excess Equipment

Mr. Lapinsky read a list which he requested to be declared as surplus and that it would be posted for three weeks on website for the highest bidders. Mr. Lapinsky answered Council questions.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the surplus of equipment as presented by the Director of Public Works. No questions from Council.

The motion was passed with a vote of 5- yes, 0 – no.

c. Methane Digester

Mr. Lapinsky postponed this to a work session for further discussion.

d. Wells Fargo Property Purchase

Mr. Lapinsky asked for approval on the purchase of property located on the corner of Route 40 and Edmund Street for a pump station to enable him to submit an offer sheet to Wells Fargo. It has been approved by the City Attorney. The property was appraised at \$52,000 for approximately 1/3 of an acre.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to purchase property at the corner of Route 40 and Edmund.

This was followed by Council discussion. Mr. Miller clarified that two years ago, the City borrowed money for three water projects including the upgrade of three water pumping stations. This one was removed due to the inability to obtain property. The City has found the property, has already allocated the funds, and COPT is a contributor.

The motion was passed with a vote of 5 – yes, 0 – no.

Mr. Lapinsky reported on tree trimmings performed in the City costing \$31,200. He also reported on a water supply study; copies were given to the Council.

7. Business from the City Manager

The Council agreed that there would be no meeting on the Monday after Christmas.

PUBLIC COMMENT:

1. Ms. Louise Costello, William Powell Court;
Ms. Costello inquired about taxes in Aberdeen and her concerns regarding business growth with the arrival of BRAC. She asked about answers to public questions at meetings.
2. Mr. Michael Hiob, Graceford Drive;
Mr. Hiob expressed his opinions on the outcome of the vote on Ordinance No. 09-O-05. He also commented on the Holiday Inn Express code requirements.
3. Mr. Steven Johnson, Chair, EDC
Mr. Johnson commented on Ordinance No. 09-O-05 and that it met all of the zoning regulations and code requirements. He said he met with the Council members to discuss any concerns.
4. Ms. Karen Heavey, W. Bel Air Avenue;
Ms. Heavey commented that the Code allows the Council, City staff, Planning Commission, and the Appeals Board the ability to make decisions regarding issues which may be detrimental to the City.

BUSINESS OF THE COUNCIL:

1. Business of the Council

The Council members thanked Caroline Curry and all those involved in the Aberdeen Christmas events and parade. Councilwoman Elliott made comment to Mr. Johnson that she expressed her concerns regarding the Holiday Inn Express. Councilwoman Landbeck and Councilwoman Young reported on their recent activities on behalf of the City, i.e. community dinners, events, ceremonies and meetings. Councilwoman Young said that water is available in Aberdeen because of the 6th amendment to the Harford County Water Agreement and encourages business development in Aberdeen as long as the proper process is followed. Councilman Garner commented on the complexities of Council decisions.

2. Business from the Mayor

Mayor Bennett reported on his recent schedule that he and other Council members participated: PTSA meeting at Aberdeen High School, Harford County Chamber of Commerce prayer breakfast, Christmas Street festivities, Economic Advisory Board meeting, Chamber of Commerce Christmas dinner, and a CSSC awards breakfast. He and the City Manager met with the President of Ripken Baseball regarding mutual concerns. He also met with the President of the Chamber of Commerce on how to promote the City. The City Manager became an honorary board member on the Chamber of Commerce. There was a press conference with State and local dignitaries regarding the upgrades to Routes 40 and 715. Construction is scheduled for early fall 2010; money allocated is \$42 M plus. The Mayor attended a hometown emergency preparedness committee meeting in Calvert County as Chair of Maryland Municipal League to discuss training for officials. He also attended a double ground breaking ceremony on APG along with other dignitaries.

ANNOUNCEMENTS:

Next Council Work Session: Monday, December 21, 2009 at 4:30 p.m.

January Council Meetings: Monday, January 11 and January 25, 2010 at 7:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 9:13 p.m.