

**City of Aberdeen Council Meeting
November 23, 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
Opiribo Jack, Director of Finance
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 Nathaniel Johnson and the Pledge of Allegiance was led by Councilwoman Landbeck.

The minutes of the October 26, 2009 and the November 9, 2009 meetings were approved unanimously as submitted. Councilwoman Landbeck and Councilman Garner abstained from the October 26, 2009 meeting approval vote.

PRESENTATIONS:

1. Proclamation in Recognition of Municipal Government Works Month

A proclamation presented by Mayor Bennett in conjunction with the Maryland Municipal League to increase awareness of government functions and services for the community.

2. Ripken Stadium Management Board 2008 Annual Report - John Gessner

John Gessner, Chair of the Ripken Stadium Management Board (RSMB), presented and summarized the annual report covering calendar year 2008. The two main sources of income for the City from the Stadium were from admissions/amusement taxes and rental receipts. The concession agreement, which governs the City's obligations such as maintenance, and a Memorandum of Understanding (MOU), signed in 2005, names Tufton Professional Baseball, LLC (controlled by the Ripken family), to act as the leasing and marketing agent for the Stadium. RSMB spent most of the time in 2008 negotiating a new MOU. The main changes for the 2009, 2010, and 2011 are as follows. Rather than work with Tufton and have payments based on net expenses, RSMB decided it would be simpler and cleaner to get a percentage of the gross. If the City receives less than \$55,000 in Stadium rental income in any consecutive year, then the City could terminate the MOU with 30 days notice. According to the financial statements from Tufton, income and total revenues were \$935,689 in 2007 and \$892,513 in 2008,

reflecting a loss of \$10,524 for 2007 and \$130,711 in 2008. Mr. Gessner could not explain this tremendous increase in loss because of the difficulty in interpreting the internal accounting of Tufton. This is what led to the decision to ask for the percentage of the gross.

The situation regarding the reserve fund has not improved and the Board feels that money should be placed in a sinking reserve to help handle future maintenance responsibilities. No progress was made in getting the sinking fund established. There needs to be another source of revenue and the situation appears to be getting worse. Mr. Gessner proceeded to answer questions from the Council. The Council expressed concern with allocated expenses, payroll taxes/benefits, insurance, and travel/entertainment expenses recorded on the information provided by Tufton. Mr. Gessner said they are not supplied their proprietary, confidential information. He can request more information from Ripken Stadium or perhaps they can make a presentation to the Council. (Report available for inspection at City Hall).

The City Manager complimented the Board and stated that the Chair looks out for the City's best interests.

PUBLIC HEARINGS:

1. Resolution No. 09-R-08, Annexation Plan - Chapel Estates, Hiob Lane

Phyllis Grover said that the annexation request was submitted June 2007, revised 2008, reviewed again by City Staff in 2009, the citizen input meeting was held in 2008, and the planning commission reviewed and approved the annexation in July 2009 with R-2 zoning. It includes nine properties: Parcel 54 (Tax Map 58), Parcel 55 (Tax Map 58), Parcel 124 (Tax Map 51), Parcel 574 (Tax Map 51), Parcel 679 (Tax Map 51), Parcel 680 (Tax Map 51), Parcel 54 (Tax Map 51), Parcel 877 (Tax Map 51), and Parcel 180 (Tax Map 58). The total proposed area for annexation is 70.55 acres. The current County zoning designation is R-1 and R-2 and the predominate zoning is R-2 which is urban residential. Harford County Department of Planning and Zoning and the State Department of Planning have submitted letters which will be provided to Council with Staff recommendations. The proposed R-2 medium density zoning is consistent with the Harford County Land Use Plan. The public hearing has been advertised for four consecutive weeks.

Public Comment:

- 1) Ms. Karen Heavey, West Bel Air Avenue;
Ms. Heavey submitted a letter to the Council explaining her concerns on this annexation plan. (Available at City Hall for inspection.)
- 2) Ms. Sherry Miller, Old Philadelphia Road;
Ms. Miller expressed concern with the resale of the homes in the future.

- 3) Mr. Peter Bosworth, Baltimore, proposed developer;
Mr. Bosworth offered to answer any questions on the development. He and the Council discussed home density and future values.

2. Ordinance No. 09-O-05, Proposed Sectional Map Amendments, Phase II

Ms. Grover said that this was introduced October 2009. The owner of the first parcel is MSB Squared at Hamilton Court, LLC. The property is located at the corner of Old Post Road and MD 22, Aberdeen, Tax Map 204, Parcel 2280, 6.14 acres, and the current zoning is B-1, Neighborhood Business District. The Department of Planning and Zoning recommended B-3 zoning, Highway Commercial District. In their September 2009 meeting, the Planning Commission recommended B-1 zoning, Neighborhood Business District, which was no change.

The second parcel is owned by Aberdeen Products, Inc. The property is 910 Old Philadelphia Road, Aberdeen, Tax Map 58, Parcel 505, 21 acres, and the current zoning is M-1, Light Industrial District. The Department of Planning and Zoning, as well as the Planning Commission, recommended B-3 zoning, Highway Commercial District, Industrial Government.

Colony at Beards Hill, LLC property is located between Beards Hill Road and MD 22, Aberdeen, Tax Map 202, Parcel 2864, 6.58 acres, and the current zoning is B-3, Highway Commercial District, and R-2, Medium Density Residential District. The Department of Planning and Zoning recommended no change in zoning and the Planning Commission recommended B-3 zoning. The Planning Commission reviewed the three parcels at their August and September meetings and decided on the changes. The public hearing was advertised for 30 days.

Councilwoman Young discussed the possibility of separating the Colony at Beards Hill, LLC and deal with it separately. The Mayor said it would be taken under advisement. Councilwoman Landbeck commented that the Planning Commission decided that MSB Squared at Hamilton Court remain B-1 based on the fact that the adjoining lot was still M-1. Had they known it was going to be B-3, it probably would have been recommended that it be changed to B-3, as currently proposed.

Public Comment:

- 1) Mr. Brandon Freel, Stewart Associations, Elkton;
Mr. Freel expressed his support of the ordinance.
- 2) Mr. Michael Hiob, Graceford Drive;
Mr. Hiob expressed his support of all three projects.
- 3) Ms. Karen Baker, Doris Circle;
Ms. Baker objected to the zoning change at Beards Hill.

- 4) Mr. Tory Pierce, Frederick Ward Associates, Bel Air;
Mr. Pierce, who represents all three property owners, explained the layout, zoning plans of the properties, and development agreements. He answered questions from the Council.

3. Ordinance No. 09-O-06, Infrastructure Loan, Harford County Water Purchase

Mr. Miller explained that the City entered into an agreement with Harford County Government to amend the water purchase agreement with the 6th amendment to purchase an additional 300,000 gallons per day for just over \$5 M. The City plans to borrow the money for this through the Infrastructure Loan Program with the Department of Housing and Community Development. Part of the process is to have a public hearing and have this authorized by ordinance. It is advantageous to go through this program since the City can pool with other Maryland local jurisdictions and use the State's AAA bond rating. There were no questions from the Council.

Public Comment: There were no comments.

PUBLIC COMMENT:

1. Mr. Andy Powell, Perryman;
Mr. Powell asked the Council to look into trucks blocking the road on Rt. 7 between Routes 715 and 40 while making deliveries. He has reported it to Aberdeen Police. He also expressed concern about the condition of the road of Route 7 near Walmart.
2. Ms. Janice Grant, Law Street;
Ms. Grant invited the Council and community to several events regarding Black History Month in February 2010 and to honor Mr. Earl Christy and Dr. Percy Williams.
3. Mr. Michael Hiob, Graceford Drive;
Mr. Hiob presented the Havre de Grace street sweeping schedule to the Council, commented on the water and sewer utility bill article in The Record, and suggested a walking community Council meeting.
4. Mr. George Martin, Penrith Way;
Mr. Martin objected to the purchase of water from Harford County.

LEGISLATIVE SESSION:

1. Ordinance No. 09-O-08, for Amendment to the Aberdeen Development Code, Add Auction Houses Definition and Table of Use Regulations (For Introduction)

Mayor Bennett introduced Ordinance No. 09-O-08.

2. Resolution No. 09-R-11, For the Setting of Future Sewer Rates (For Introduction and Adoption)

Mr. Miller explained that the City wants to advantage of stimulus money (ARRA) for needed repairs at the waste water treatment plant. When the economy was good, the estimated cost was projected at \$1.5 M. The bid amounts have been significantly less; \$523,000. The Maryland Department of the Environment (MDE) reviewed our sewer fund performance and determined that we are not collecting enough income to pay the debt service and mandated that we increase our service rates by 6%. The Mayor called the Governor's office, and since then, MDE has proposed that we put three years worth of debt service payments into a reserve fund which can be done out of the rainy day fund. They also asked that in FY 2012, to adjust our water and sewer rates by the CPI (Consumer Price Index) which actually should be done anyway.

A motion was made by Councilwoman Young and seconded by Councilwoman Landbeck to approve Resolution 09-R-11. Council proceeded with discussion. This is a 20-year payment plan with just over 1% interest.

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

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

BUSINESS OF THE CITY:

1. Unfinished Business – None
 - a. Organization of Council

A motion was made by Mayor Bennett and seconded by Councilwoman Elliott that the position of Council President be changed quarterly and alternating with every Council member; 2009 would be finished by Councilwoman Elliott.

The Council discussed Charter compliance and determined this decision was in compliance.

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

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

a. Preliminary Site Plan for North Gate Business Park, Land Bay D

Ms. Grover said that this plan would be the third of nine buildings for review and was presented at the Planning Commission meeting November, 2009. The location is MD 22 and the proposed new Research Boulevard. It is a Class A office park and Land Bay D building size is 131,400 sq. ft., 525 parking spaces, 4 stories, 58 ft. high, and zoning is B-3 (Highway Commercial District). Presentation and explanation was made by: Mr. Kevin Small, Frederick Ward Associates (FWA); Scott Forstell, Powers Brown; a COPT representative; and a representative from FWA Engineering.

A motion was made by Councilwoman Young and seconded by Councilman Garner to approve the Preliminary Site Plan for North Gate Business Park, Land Bay D.

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

4. Business from the Chief of Police

Chief Rudy reported that renovations on the command vehicle are partially completed and that the Aberdeen Police Department will be in compliance by January 1, 2010 with a general orders resulting from House Bill 311 pertaining to first amendment activities and written policies by certain law enforcement agencies governing surveillances, investigations, and retention of materials.

5. Business from the Director of Finance

Mr. Jack reported on the audit highlights by the independent firm, McGladery & Pullen, LLP, on the City's financial statements. The City received and unqualified "clean" opinion. There was overall improvement in the City's financial position: General Fund – budgetary surplus of \$748 thousand; Water Fund – net income of \$433 thousand; Sewer Fund – net income of \$314 thousand; Stadium Fund – net loss of \$302 thousand. The long-term debt decreased by \$1 M to \$16.6 M; net assets (difference between total assets and total liabilities) increased by \$2 M to \$38.1 M; fund balance (difference between current assets and current liabilities) was \$3.7 M. Of this amount, \$2.9 M is unreserved and can be used to support the general government's operating needs.

Pertaining to Governmental Funds: property taxes increased by \$523 thousand; Capital grants increased by \$357 thousand; and Expenditures increased by \$206 thousand. For the Enterprise Funds: charges for services increased by \$49 thousand and Expenses decreased by \$87 thousand.

In summary, the City's Net Assets have steadily increased since 2006 (net assets are the difference between the total assets and total liabilities). The trend in net assets may be a useful indicator of whether the financial position of the City is improving or weakening and the trend since 2006 indicates improvement.

6. Business from the Director of Public Works

a. APG Wastewater Treatment Plant Upgrade, Amendment #1

Mr. Lapinsky stated that this project is funded and paid in entirely by the Army and the project will not exceed \$33,903.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the APG Wastewater Treatment Plant Upgrade, Amendment #1.

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

Mr. Lapinsky also discussed the smoke testing pertaining to storm and sanitary sewers, future capital expenditures, new degasifiers and electrical upgrades in the water treatment plant, ENR upgrades, tree trimming/removal, storm drains, and yard waste. One of the biggest changes in yard waste will be that paper bags will be required instead of plastic bags for leaf removal. This policy will be started calendar year 2011 by Harford County.

7. Business from the City Manager - None

PUBLIC COMMENT:

1. Mr. John Lee, Harford County;
Mr. Lee commented on Dr. Percy Williams' life and the events celebrating African American Month.
2. Mr. Oberholtzer, West Bel Air Avenue;
Mr. Oberholtzer voiced his approval of the Aberdeen Police Department and Chief Rudy.
3. Mr. George Martin, Penrith Way;
Mr. Martin would like to have a new train station at APG.
4. Mr. Michael Hiob, Graceford Drive;
Mr. Hiob asked about the Council President quarterly rotation. He also stated what he feels the Council should consider in a closed session.

BUSINESS OF THE COUNCIL:

1. Business of the Council

Councilwoman Elliott and Mr. Lapinsky discussed the smoke testing being performed in the City.

Councilwoman Landbeck said she has enjoyed the last three weeks and thanked the employees and other officials of the City.

Councilwoman Young asked Mr. Lapinsky to investigate the possible changes and costs of the street sweeper schedule. She and Councilwoman Elliott attended the Aberdeen Chamber of Commerce luncheon where both made presentations promoting Aberdeen business opportunities.

Councilman Garner said that the Council, among many others, were in attendance at the VFW Veteran's Day Ceremony and was impressed with the Aberdeen Middle School Band, Aberdeen Legion Honor Guard, and the condition of the Park.

2. Business from the Mayor

Mayor Bennett announced the events at the Christmas Street Events including the parade. He also reported on the favorable ARRA Loan discussions with officials in Annapolis.

ANNOUNCEMENTS:

Aberdeen Christmas Street and Parade on Saturday, December 5, 2009.

Next Council Meeting: Monday, December 14, 2009 at 7 p.m.

ADJOURNMENT:

The meeting was adjourned at 8:55 p.m.