

**City of Aberdeen Council Meeting
May 10, 2010**

Present: Mayor Bennett, Council President Young, Councilwoman Elliott, Councilman Garner, and Councilwoman Landbeck

Absent: None

Also Present: Douglas Miller, City Manager
Phyllis Grover, Director of Planning and Community Development
Matthew Lapinsky, Director of Public Works
Captain Henry Trabert, Aberdeen Police Department
Opiribo Jack, Director of Finance
Monica Correll, City Clerk
Doris Manner, Recording Secretary

Mayor Bennett called the meeting to order at 7:00 p.m. in the Council Chambers. The prayer was led by Pastor Kenneth Telsee of True Joy Ministries and the Pledge of Allegiance was led by Councilman Garner.

PRESENTATIONS:

1. Bobby Parker, Induction into the Negro Leagues Baseball Museum of Maryland

Mayor Bennett presented Mr. Parker a proclamation in recognition of his many achievements including his induction into the Hubert V. Simmons Negro Leagues Baseball Museum of Maryland.

2. Ryan Dowdy, True Joy Ministries Academic Scholarship Award

Mayor Bennett presented Ryan Dowdy a proclamation in recognition for receiving the True Joy Academic Scholarship Award and a certificate from Senator Barbara Mikulski. Pastor Kenneth Telsee of True Joy Ministries presented Mr. Dowdy an academic certificate award.

3. William Edwards, True Joy Ministries Academic Scholarship Award

Mayor Bennett presented Mr. Edwards a proclamation in recognition for receiving the True Joy Academic Scholarship Award and a certificate from Senator Barbara Mikulski. Pastor Telsee presented Mr. Edwards an academic certificate award.

4. Briana Lewis, True Joy Ministries Community Scholarship Service Award

Mayor Bennett presented Ms. Lewis a proclamation in recognition for receiving the True Joy Academic Scholarship Award and a certificate from Senator Barbara Mikulski. Pastor Telsee presented Ms. Edwards an academic certificate award.

Pastor Telsee thanked the Council and the education team for their involvement in this project.

PUBLIC HEARINGS:

1. Ordinance No. 10-O-07, Budget Fiscal Year 2010-2011

Mr. Miller said copies of the budget were distributed at the Council Work Session on May 3, 2010. There are six budgets applicable to the City: two for APG and four for the City. The four related to this ordinance are the general fund, water fund, sewer fund, and stadium fund. The public hearing was advertised in *The Record* newspaper April 30 and May 7, 2010. There will be no changes in the tax rate, water rate, or sewer rate. There will be an additional Enhanced Nutrient Removal (ENR) fee during this fiscal year for the sewer fund.

- a. Mr. Mike Hiob, Graceford Drive;
Mr. Hiob commented on the Aberdeen Room Museum budget cut and asked the Council to reconsider.

2. Constant Yield Tax Rate

Mr. Miller stated that the public hearing was advertised as display ads in *The Aegis* on April 28, 2010 and in *The Record* on April 30, 2010. The City's assessable base has grown through the addition of new properties and some reassessments that will increase tax revenue. The State requires specific language in the ads stating that we are raising taxes because of the additional real estate tax revenue received compared to the year before. However, this does not mean that the annual real estate tax rate will increase. This will remain the same at 68.75 cents and current constant yield tax rate is 65.74 cents. A public hearing is required.

- a. Ms. Barbara Osborn Kreamer, Beards Hill Road;
Ms. Osborn Kreamer commented on the constant yield tax and said it is not a rate increase but still is a tax increase.

PUBLIC COMMENT:

- 1. Mr. John Livezey, Barkess Court;
Mr. Livesey is a member of the Board of the Aberdeen Room and has compiled a history of the museum. He opposed the budget cut to the Aberdeen Room.
- 2. Ms. Mary-Lynne Livezey, Barkess Court;
Ms. Livesey is secretary of the Aberdeen Room Museum and is requested that the \$2,000 be put back into the budget. Ms. Livezey submitted a museum budget request.

3. Ms. Barbara Osborn Kreamer, Beards Hill Road;
Ms. Kreamer would like audit results made available to the public as soon as completed. She also would like the City to analyze and approve growth and solve some of the large expenses to the taxpayers such as the Stadium.
4. Mr. Wood, Pine Street;
Mr. Wood asked the Council to please respond to his request regarding vehicles in his neighborhood with no license plates.
5. Mr. Michael Hiob, Graceford Drive;
Mr. Hiob said that the tax rate will provide \$216,000 additional revenue. He would like to have additional hearings held on the budget and expressed discontent with the time monitoring method for public comment.
6. Mr. William Young, Doris Circle;
Mr. Young said that the County and State cuts to Aberdeen have to be taken into account and that a good job has been done on the budget.

LEGISLATIVE SESSION:

1. Ordinance No. 10-O-06, Creation of ENR Fee (For Adoption)

Mr. Miller stated that this action is necessary for the City to upgrade the wastewater plant to ENR (Enhanced Nutrient Removal) technology. The cost will be a 60/40 split in costs between State grants and money which the City will need to borrow; about \$9 million to pay our portion of the project. This will not be on the rate; however, there will be a flat ENR flat fee reflected on the water/sewer bills which will cease when the debt is paid off.

Councilman Garner asked if the new charge would be quarterly or monthly. Mr. Miller replied that initially the charge would be quarterly and for the long term be changed to a monthly fee. Councilman Garner asked if the charge would be for one EDU (Equivalent Dwelling Unit) per household. Mr. Miller said the charge would be paid per EDU of usage and that this action is modeled after the Bay Restoration Fund.

For informational purposes, Council President Young asked the difference between this and the Bay Restoration Fund. Mr. Miller stated that all public system water/sewer users in the State of Maryland pays a flat rate in the Bay Restoration Fund which goes to MDE (Maryland Department of the Environment) which is then appropriated to the 66 major wastewater plants for ENR upgrade. If someone is not on a public water/sewer system, the Bay Restoration fee is paid through property tax. Sixty percent of the money is from the Bay Restoration grant to the City and the remainder is paid by each current user based on their EDU.

A motion was made by Councilman Garner and seconded Council President Young to adopted Ordinance No. 10-O-06.

Councilwoman Elliott proposed an amendment to change the word “required” to “mandated” in this ordinance so everyone will know this is a State requirement.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to change the word “required” to “mandated” in Ordinance No. 10-O-06.

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

The Mayor asked for the vote on the main motion made by Councilman Garner and seconded by Council President Young to adopt Ordinance No. 10-O-06, Creation of ENR Fee, as amended.

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

2. Ordinance No. 10-O-07, Budget Fiscal Year 2010 – 2011 (For Introduction)

Mayor Bennett introduced Ordinance No. 10-O-07, Budget Fiscal Year 2010 – 2011.

3. Ordinance No. 10-O-08, Stormwater Management (For Adoption)

Mr. Lapinsky noted that this action will repeal Chapter 118 of the current Code of the City of Aberdeen and replace it with the new model language from MDE for the new stormwater regulations. Mr. Lapinsky distributed copies of the comments received from MDE which are listed below:

- Ch. 118-1 Purpose & Authority – In the second paragraph “...shall apply to all development occurring within the *unincorporated/incorporated* area...” should be changed to “...shall apply to all development occurring within the *incorporated* area...”. Also, in the same paragraph “City of Aberdeen Department of Public Works...” should be “*The* City of Aberdeen...”.
- Ch. 118-3,4E – There is an inadvertent line break between the first and second sentences.
- Ch. 118-9,1 – Throughout this section, the Model Ordinance uses “ESD treatment practices”. However, MDE now recommends that local jurisdictions use “ESD treatment systems” in this section to ease some of the local maintenance burdens.
- Ch. 118-10 – The time limit for appeals “(30 days)” should be 30 days
- In addition to these, there are several places with page breaks that ought to be fixed if possible.

The Mayor clarified with Mr. Lapinsky that he wanted amendments to the Ordinance to which Mr. Lapinsky agreed.

Council President Young asked if these items refer to all development in the City of Aberdeen and to development which has already taken place. Mr. Lapinsky said this is model language which is part of the energy legislation. Additionally, MDE has enacted emergency regulations with grandfathering opportunities.

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve the amendments as presented to Ordinance No. 10-O-08, Stormwater Management.

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

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve Ordinance No. 10-O-08, Stormwater Management as amended.

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 and Community Development
 - a. Preliminary Site Plan for Lots 2 and 2C, Bevoir Partnership

Ms. Grover stated that Mr. Harold Beavers is the owner of Bevoir Partnership. Mr. Dudley Campbell with Bay State Land Services stated that the property is located on the north side of Rt. 40, east of Beards Hill Road. The action tonight is for development of Lot 2 which is zoned B-3, heavy commercial. On site public water and sewer service will come from the west side of Beards Hill Road. There will be a right in and right out and 90 parking spaces are proposed. Lot 2C is to be used for the proposed booster station.

Council President Young asked why elevators were shown when the request was for a one-story building. Mr. Campbell said no elevators were shown. She asked if the maximum height was 60 ft. Mr. Campbell stated that the proposal was for 20 ft. Council President Young complimented the developer on No. 18 indicating that the lighting would not bother neighbors. She asked how the bio-swale would be implemented. Mr. Campbell said aquatic plants would be installed to comply with this issue. She also asked if loading zones were wide enough. Mr. Campbell said only small vans would be in the area, no large trucks.

Councilman Garner asked if there would be fencing. Mr. Campbell said the area by CSX would be fenced. Councilman Garner asked if there would be a bridge on the flood plain line. Mr. Campbell said there would be a bridge.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the Preliminary Site Plan for Lots 2 and 2C, Bevair Partnership.

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

b. Preliminary Subdivision Plat for Mt. Royal Crossing

Ms. Grover introduced Mr. Joseph Welsh, the engineer, and stated that this request was approved by the Planning Commission at their April Meeting. Their comments were reviewed by the Staff which recommends approval by the Council.

Mr. Welsh stated that the property is located off Mt. Royal Avenue and Farm Road and is zoned R-3. The driveway at the rear of the property will be used as an easement to all of the properties. Public water and sewer is available from Mt. Royal Avenue, the sidewalk will be extended up Farm Road, two fire hydrants are near, adequate street lighting is available, and the AT & T easement will be relocated.

Councilman Garner asked for clarification on the location of the houses. Mr. Welsh stated that side setbacks are 7 ft. and 25 ft., 32 ft. front, and 35 ft. in the rear.

Council President Young asked the location of the existing stormwater management facility. Mr. Welsh said it was across Rt. 22. She asked the identity of the members of 320 Farm, LLC. Mr. Welsh said they are his wife, a relative, and an investor. He added that the AT & T cable does not have to be removed for construction to take place. Council President Young asked where trash would be picked up. He said pick up would take place at Mt. Royal Avenue.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve the Preliminary Subdivision Plat for Mt. Royal Crossing.

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

4. Business from Chief of Police

Capt. Trabert reported that some of their officers will be receiving awards from the Harford County State's Attorney's Office for DWI enforcement for the past year. He also thanked Mayor Bennett, Mr. Miller, and the Council members who attended the bi-yearly inspection.

5. Business from the Director of Finance - None

6. Business from the Director of Public Works

Contract Awards:

a. 10-07, Street Resurfacing

Mr. Lapinsky submitted bids received for street resurfacing. He recommended Frank J. Goettner Construction Company's bid of \$373,373.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve a bid from the Frank J. Goettner Construction Co. in the amount of \$373,373 for Street Resurfacing.

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

b. ES 10-10, Swan Meadows Area Engineering Analysis

Mr. Lapinsky has received bids for an analysis and estimate by engineering companies for a preliminary design on systems, water, waste water, and storm water management. The funds will be coming from Harford County. He is recommending ARRO Engineering Consultants bid in the amount of \$13,150.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve ES 10-10, Swan Meadows Area Engineering Analysis to ARRO Engineering Consultants in the amount of \$13,150.00.

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

c. 09-09, Post Road Water Main Replacement

Mr. Lapinsky said this is a carry-over from last year to replace 1,000 ft. of 4-inch pipe with 8 inch pipe along Old Post Road. S. Thomas Contracting is recommended for a bid of \$211,068. It is also requested that an additional \$16,000 be approved at City expense for required valves. Mr. Miller said that this would need to be paid for through t the 2009 DHCD loan.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the 09-09, Post Road Water Main Replacement bid award to S. Thomas Contracting for the total amount of \$227,068.

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

7. Business from the City Manager

Mr. Miller explained that Ordinance No. 10-O-09, Water Quality Bond Authorization will be delayed to another meeting.

PUBLIC COMMENT:

1. Mr. John Salser, Havre de Grace;
Mr. Salser asked the location of the Aberdeen Police Department Awards.
2. Ms. Barbara Osborn Kreamer, Beards Hill Road;
Ms. Osborn Kreamer asked that the Council go back to work on the budget and make additional cuts.

BUSINESS OF THE COUNCIL:

1. Business from the City Council

The Council members congratulated Bobby Parker, William Edwards, Ryan Dowdy, and Briana Lewis for their achievements and the Police Department for their awards. Councilwoman Elliott encouraged the Council to support the \$2,000 line item for the Aberdeen Museum. Councilwoman Landbeck thanked the citizens for input on the budget issues. Councilman Garner discussed the huge tax increases in Baltimore City and assured everyone that the Council will evaluate the budget for any possible cuts. Council President Young said that total expenses for the Aberdeen Room should be considered and not only the \$2,000 line item. She would like the total financial information compiled on the Aberdeen Room for further review.

2. Business from the Mayor

Mayor Bennett reported that he attended a dinner honoring Evangelist Barbara Harkins for her service to the Aberdeen community. He presented the local chapter of the NAACP a proclamation at their annual banquet. The Mayor mentioned that Eldon Budnick, a lifelong resident of Aberdeen and life member of the Aberdeen Fire Department, passed away.

Mayor reminded everyone that Aberdeen lost 90% of the highway user revenue and 35% of aid for police protection amounting to approximately \$615,000 loss of revenue last year and this year. This may continue into next year. This year's budget has been reduced 3.58%.

ANNOUNCEMENTS:

Next Council Work Session: Monday, May 17, 2010 at 4:00 p.m.
Next Council Meeting: Monday, May 24, 2010 at 7:00 p.m.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.