

**City of Aberdeen Council Meeting
February 14, 2011**

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

Absent: None

Also Present: Douglas Miller, City Manager
Phyllis Grover, Director of Planning and Community Development
Matthew Lapinsky, Director of Public Works
Chief 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 Calvin Wilson, New Life Christian Fellowship Church of Christ and the Pledge of Allegiance was led by Councilwoman Young.

A motion was made by Councilman Garner and seconded by Councilwoman Elliott to approve the minutes of the January 31, 2011 meeting as submitted.

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

PRESENTATIONS:

1. Proclamation in Recognition of Ronald Davis, Auxiliary Police

Mayor Bennett presented Mr. Ronald Davis with an award for over 1,205.75 volunteer hours with the Auxiliary Police Unit and thanked him for his tireless efforts to make the City of Aberdeen a safer place to live and work. He also commended the entire group of volunteers for their 3,000 hours of service. Chief Trabert recognized the volunteers, residents and the Aberdeen Police Department for their efforts in fighting crime. Officer Garcia was thanked for his involvement with the volunteer group.

2. ENR (Enhanced Nutrient Removal) Project Update – Matthew Lapinsky, DPW

Mr. Lapinsky presented a PowerPoint presentation on the ENR Project. He noted that the water quality in the Chesapeake Bay has steadily declined. The Bay Restoration Fund was initiated May 26, 2004. The improvements under construction include: a denitrification filter, UV disinfection, a Weir box enhancement, and an equalization basin. Mr. Lapinsky mentioned that the City website would provide additional information to the public.

PUBLIC HEARINGS: None

PUBLIC COMMENT:

1. Mr. Wood, 44 Pine Street;
Mr. Wood stated that his snow plow issues have not been resolved and that his vehicle still gets plowed in. He also wants signs by his house removed. Mayor Bennett noted that Mr. Wood's vehicle has not been blocked. Mr. Woods complained on various issues including street cleaning, tree trimming, grass mowing, staff mistreatment, etc.
2. Mr. James Redding, Holiday Drive;
Mr. Redding was in favor of the Village at Carsins Run (VCR) and that some citizens will be able to afford it.
3. Mr. Bob Hartman, Paradise Road;
Mr. Hartman questioned his water bill regarding debt service. He was opposed to the Presbyterian Home 15-year tax break.
4. Ms. Cindy Sharretts, Holly Drive;
Ms. Sharretts noted that House Bill 584, sponsored by Delegate James, should not be accepted by Aberdeen because it rejects the Maryland Constitution in two ways: 1) there is more than one title and action in the Bill which authorizes Harford County to impose a hotel rental tax and special property tax credit; and, 2) the legislation creates a monopoly by creating special privilege for one entity.
5. Dr. Anirban Basu, N. Broadway, Baltimore;
Dr. Basu did an economic study on the Village at Carsins Run. The analysis showed that there would be 160 jobs at buildout. If this institution pays taxes, approximately \$600,000 should be generated. The facility is experiencing increased construction costs with delays. Mayor Bennett asked for a copy of Dr. Basu's study and the condition of the municipal government economy. Dr. Basu said the economy is not good. Retail sales are improving but the housing market is not good at this time. As a result, aid to municipalities is being reduced.
6. Mr. Clarence Weaver, E. Inca Street;
Mr. Weaver was opposed to Ordinance 11-O-01 because fortune tellers are not medically qualified to give psychological advice.
7. Ms. Suzanne Shabe, Thomas Run Circle;
Ms. Shabe is in favor of VCR and has a mother who wants to move there from Fallston. She said seniors are counting on this.
8. Mr. Patrick McGrady, Holly Drive;
Mr. McGrady encouraged the Council and citizens to oppose the Carsins Run tax credit and to be fair with taxes. He said that this would be a government created monopoly and an injustice contrary to free government and the principles of commerce.

9. Mr. Wilbur Pearce, Perryman;
Mr. Pearce wants to retire at Carsins Run and asked to them to reconsider their position.
10. Mr. Chuck Doty, Edmund Street;
Mr. Doty said he is a retired Aberdeen resident for 40 years and that most local residents cannot afford this facility. He favored tax exemption for assisted living and medical care, but not for independent living units.
11. Mr. Bernard Backus, North Gate Road;
Mr. Backus thanked the Council for their cohesiveness. He has lived in the City for 69 years and has never seen a Council that works so well together.
12. Ms. Karen Heavey, W. Bel Air Avenue;
Ms. Heavey thanked the Council for opposing House Bill 584. She wanted to know who asked Dr. Basu to do his analysis. Ms. Heavey also referred to House Bill 703 asking for a special liquor license for Harford County continuing care communities.
13. Mr. William Young, Doris Circle;
Mr. Young asked a rhetorical question: that if Carsins Run is as viable as they state, why would they need a tax exemption and a water and sewer deal. Also, in the Court of Appeals of Maryland, it was determined that fortune-telling is protected under freedom of speech.
14. Mr. Robert Price, Gilbert Road;
Mr. Price favors the Council's stand on Carsins Run.
15. Ms. Louise Costello, William Powell Court;
Ms. Costello is a realtor and noted that other elders in the City pay their taxes. She thanked the Council for their opposition to the tax break for the independent living units.
16. Mr. John Hesterly, Ferndale Road;
Mr. Hesterly said that the Council should try to support Carsins Run and that Harford County is the only county in Maryland without a facility of this kind.

LEGISLATIVE SESSION:

1. Resolution No. 10-R-18, Aberdeen Technology Campus, LLC & Rt. 22 Properties (For Adoption)

Ms. Grover said the facility will be located at Route 22 and Aldino Stepney Road consisting of 28.85 acres. The Planning Commission recommended the annexation with IBD zoning. Ordinance No. 736.08 describes the land use.

A motion was made by Councilwoman Elliott and seconded by Councilwoman Landbeck to approve Resolution No. 10-R-18, Aberdeen Technology Campus, LLC & Rt. 22 Properties.

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

2. Ordinance No. 11-O-01, Amendment to Development Code, Repeal Article III, Fortune-Telling

Ms. Grover said a request was received October 2010 for fortune-telling at 430 S. Philadelphia Boulevard. Chapter 413 of the City Code prohibits this use. There is a similar ordinance in Harford County as that in Aberdeen. This has been determined to abridge freedom of speech. There has been an application for a special exception to add conditions to regulate the business. This issue has been reviewed by the Planning Commission and legal counsel.

Mayor Bennett indicated that he is not happy with the request but cannot violate the law because it is freedom of speech as designated by the courts.

Councilwoman Elliott asked what happened in Bel Air with a similar ordinance. Ms. Grover was not familiar with their issues. Councilwoman Elliott stated that the request for fortune-telling will bring nothing to the City and is a step backward; however, the Council has no choice in the matter.

Councilwoman Landbeck stated that the Council has no right to judge anyone's freedom of speech. However, if fraud becomes involved then action could be taken. This business should only be in Business District 3 and only with limitations.

Councilwoman Young said that the regulations state this business cannot be within 1,000 ft. of schools, churches, etc. Some safeguards should be placed on fortune-telling. She respects opinions being brought to the Council.

A motion was made by Councilwoman Landbeck and seconded by Councilman Garner to approve Ordinance No. 11-O-01, Amendment to Development Code, Repeal Article III, Fortune-Telling.

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

Ms. Grover announced a special Planning Commission meeting on February 16, 2011 to review the revised preliminary site plan for Aberdeen Corporate Park. There will be a public hearing for the City Comprehensive Plan Update on March 9, 2011.

4. Business from the Chief of Police – None
5. Business from the Director of Finance – None
6. Business from the Director of Public Works

Mr. Lapinsky congratulated Mr. Davis and thanked the entire Auxiliary Police for their help keeping the DPW workers safe while working.

7. Business from the City Manager – None

BUSINESS OF THE COUNCIL:

1. Business from the City Council

Councilwoman Elliott said a recent newspaper article was inaccurate stating that the Council met with lobbyists concerning the hotel tax.

Councilwoman Landbeck said she is an advocate for this facility, but she does not favor the tax exemption. The City only wants to tax the independent living portion of the project.

Councilwoman Young reported that she attended a CSSC Consortium meeting at the HEAT Center regarding incoming BRAC jobs and job retraining. She said that she supports the Presbyterian Home project but cannot vote to allow tax forgiveness for the independent living units.

Councilman Garner stated that according to the Department of Assessments, senior independent units are not considered tax exempt because they do not meet the test of serving a charitable or educational function. The central core building of a continuing care facility is considered tax exempt, but the independent living units generally are not. The burden of proof is on the facility to have the independent living units deemed tax exempt. Occupants of individual living units usually are financially secure and may apply for the homeowner's tax credit. There are 34 similar facilities in Maryland, 31 are non-profit, 2 are for-profit, and all pay tax on the independent living units. He supports the project, but he and the Council remain opposed to tax exemption for the independent living units.

Councilman Garner said that according to the Maryland Hotel and Lodging Association memorandum dated February 3, 2011 to Senator Nancy Jacobs, the lodging industry is now in favor of lodging tax legislation for Harford County dedicated entirely to tourism promotion. They agreed that the tax should be returned to the cities. He encouraged everyone to keep communicating to elected officials in favor of the hotel tax for Harford County.

Councilwoman Elliott informed everyone about the Heritage Trust lecture schedule.

2. Business from the Mayor

The Mayor gave a report of his schedule which included: a briefing of the Ways and Means Committee in Annapolis concerning municipal revenue cuts, a meeting with Delegate Impallaria and Delegate James regarding the hotel tax, the Mayor's Conference, and a meeting with Governor O'Malley regarding the lack of highway user revenue and police aid for police protection. The Mayor said that the municipalities in Maryland are the only entities within the State that lost 82% of their State funding compared to only 7% for the Counties. He pointed out that municipalities do not have the ability or taxing authority to raise revenue like the counties. The Mayor, who also is the President-Elect of the Maryland Municipal League (MML), said MML asked the Governor to find funds for the municipalities.

Mayor Bennett said that the Council supports the concept of the Village at Carsins Run including tax relief for assisted living and nursing care, but not for the independent living units which would be at the expense of Aberdeen residents.

ANNOUNCEMENTS:

Next Council Meeting: Monday, February 28, 2011 at 7:00 p.m.

Next Council Work Session: Monday, March 21, 2011 at 4:00 p.m.

ADJOURNMENT:

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to adjourn the meeting at 8:53 p.m.

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