

**Aberdeen City Council Meeting
April 11, 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
Henry Trabert, Chief of Police
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 Melvin Taylor of the Word of Faith Christian Ministries 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 March 28, 2011 meeting as submitted.

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

A Statement of Closed Session was read by the City Clerk as follows:

On April 7, 2011, the Mayor and Council held a regularly scheduled meeting/work session in Council Chambers which began at 4:00 p.m. All members voted by roll call in the affirmative to close the session. At approximately 4:05 p.m. a closed session was convened by the Mayor and Council in the second floor administrative conference room. Members present were: Mayor Michael E. Bennett, Councilwoman Ruth Elliott, Councilman Bruce Garner, Councilwoman Sandra Landbeck, and Councilwoman Ruth Ann Young. Also in attendance were: Elwood Stark, Jr., City Attorney; Douglas Miller, City Manager; and Monica Correll, City Clerk.

The session was held pursuant to the Open Meetings Act, Section 10-508(a): (7) to consult with counsel to obtain legal advice on a legal matter; and, (14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. During this meeting the Mayor and Council discussed with the City Attorney and City Manager, the formulation of the annexation agreement (contract) for Aberdeen Technology Campus, LLC & Route 22 Properties.

No actions were taken during the session. The meeting was adjourned at 4:53 p.m.

PRESENTATIONS:

1. Recognition of Aberdeen High School Girls Basketball Team

Councilman Garner commended the Aberdeen High School Girls Basketball Team, Lady Eagles, for their accomplishments which included advancing to the State championships. Mayor Bennett introduced Coach Stacy Liles and Assistant Coaches Lynitta McCoy and Elaine Barry. He congratulated them on their success this basketball season. Coach Liles introduced each girl and presented them with the Aberdeen MVP trophies. The team members were: Nia Alleyne, Jimma McClusksey, Ayana Stewart, Destiny Cole, Shzaqaell Reid, Asia Jackson, Jazzmine Moore, Lakeia Hayden, T.K. Fowlkes, Janaye Oliver, Bri Jones, and Donisha Porter.

2. Recognition of Aberdeen High School Wrestling Champion

Mayor Bennett introduced wrestling coach, Kyle Brown, and 112-pound State Wrestling Champion, Shayduan Velez. Each was congratulated and presented with an Aberdeen MVP trophy.

PUBLIC HEARINGS:

1. Charter Amendment Resolution No. 11-CR-01, Chapel Estates - Hiob Lane

Ms. Grover said this resolution has fulfilled all of the prerequisites as indicated in the City Code and the Annotated Code of Maryland. The Planning Commission recommended approval July, 2009, for R-2 zoning (medium density residential). The intention is for single family development. The property is 70.55 acres and is located at Bush Chapel Road, Kretlow Drive, and Hiob Lane. An annexation plan has been adopted and is effective and this resolution was introduced on February 28, 2011.

1) Ms. Karen Heavey, W. Bel Air Avenue;

Ms. Heavey addressed her concerns including the possible developmental impact of the annexation and the need for an annexation agreement.

2. Charter Amendment Resolution No. 11-CR-02, Aberdeen Technology Campus, LLC Property and Route 22 Properties

Ms. Grover stated that the City has complied with the City Code and the Annotated Code of Maryland. The property consists of 28.84 acres located off of Maryland Route 22. The Planning Commission recommended approval at their October, 2010 meeting. Their recommendation was for Integrated Business District (IBD) zoning. The annexation plan was passed and is effective and this resolution was introduced on February 28, 2011.

- 1) Ms. Karen Heavey, W. Bel Air Avenue;
Ms. Heavey said she, as a member of the Planning Commission, voted against this resolution due to the abundance of office space, adverse traffic impact, and water and sewer issues. She asked the Council to consider her objections.
- 2) Ms. Nancy Kosko, Blue Crest Drive;
Ms. Kosko mentioned that there may be possible Code requirements and compliance deficiencies for this annexation.

PUBLIC COMMENT:

1. Ms. Kristen Robinson, Declaration Drive;
Ms. Robinson asked for assistance for the Destination ImagiNation program for the Harford County teams including Halls Cross Roads and Church Creek. Finals for this competition will be held at the University of Tennessee. The Council and community members were invited to fundraisers.
2. Master Christopher Robinson, Declaration Drive;
Christopher asked the Council and residents of Aberdeen to help with raising funds for the Destination ImagiNation program. Mayor Bennett stated that he and the Council members will make an appeal regarding this program.
3. Mr. Art Koszoru, Doris Circle;
Mr. Koszoru stated that he and some neighbors would like to park their boats in front of their homes. He asked the Council if they would consider allowing them to do so if the neighbors were in agreement and there were no safety concerns or impediments.
4. Mr. Bob Hartman, Paradise Road;
Mr. Hartman's question regarding the debt service charge on water bills was answered by the Council and City staff. The charge is a demand fee, not a debt charge.

LEGISLATIVE SESSION:

1. Resolution No. 11-R-01, Inner County Outreach Project (For Introduction and Adoption)

Mayor Bennett introduced and read Resolution No. 11-R-01, a Resolution of the City of Aberdeen for the Purpose of Supporting and Acknowledging the Inner County Outreach Project.

Councilwoman Landbeck refrained from discussion and abstained from voting due to conflict of interest.

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve Resolution No. 11-R-01, a Resolution of the City of Aberdeen for the Purpose of Supporting and Acknowledging the Inner County Outreach Project.

Ms. Pat Harkins, a representative of Pastor Nat Johnson, Board of Directors, Inner County Outreach in Aberdeen provided a brief overview and requested the cooperation of the Council. During Council discussion, Ms. Johnson explained the referral process and that the therapy is monitored and licensed. Currently, there are 10-20 clients.

The motion was approved with a vote of 4 – yes, and 1 – abstention.

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

Abstain: Councilwoman Landbeck

2. Reconsideration of Ordinance No. 11-O-03, Amendment to the Code, Chapter A550, Fees (Amendments) (For Adoption)

The Mayor gave explanation on the reasons for reconsideration and Robert Rules guidelines.

A motion was made by Councilwoman Landbeck and seconded by Councilman Garner to reconsider Ordinance No. 11-O-03.

Mr. Miller said this ordinance was adopted March 28, 2011 and there are three amendments for reconsideration: water use language change, sewer rate language change, and delete subsection (b) Miss Utility location marking fees. The Miss Utility location marking fee cannot be enforced because it is not allowed under State law. The water and sewer rates would be changed at the annual budget adoption. Referring to the policy statement made at page 6, lines 1–5; sections A550-1 A (9)(10), Mr. Miller indicated that these sections speak to the responsibility of costs and to the qualifications of working in public rights of ways. For some reason, the water and sewer chapter of the Code refers to the fee structure when discussing these matters. In future fee ordinances, these sections might be moved to the water and sewer chapter.

1) Delete on page 1, lines 9, 10; Section A550-1 A (1) Water use rate: ~~minimum charge of \$14.50 for the first 3,500 gallons or less; \$4.38 per each additional 1,000 gallons.~~

Per Mr. Miller, because the charges will be set as part of the annual budget process, those charges should be set in the budget ordinance and not in this document.

Add: Water use rate. **THESE CHARGES AND RATES SHALL BE DETERMINED AS PART OF THE FORMULATION OF THE ANNUAL WATER FUND BUDGET AND SHALL BE SET AND ADOPTED AS PART OF THE ANNUAL BUDGET ORDINANCE.**

2) Delete on page 2, lines 1, 2; Section A550-1 A (3) Sewer use rate: ~~Sanitary sewer use rate: minimum charge of \$13.65 for the first 3,500 gallons or less of metered water; \$3.90 per each additional 1,000 gallons of metered water.~~

Per Mr. Miller, the same logic as with the Water use rate, the Sewer use rate should be set as part of the annual budget ordinance.

Add: Sewer use rate. **THESE CHARGES AND RATES SHALL BE DETERMINED AS PART OF THE FORMULATION OF THE ANNUAL SEWER FUND BUDGET AND SHALL BE SET AND ADOPTED AS PART OF THE ANNUAL BUDGET ORDINANCE.**

3) Delete on page 7, lines 1, 2; Section A550-1 A (14)(b) Miss Utility Location Marking Fees

~~(b) The rate for recognized City of Aberdeen holidays, Saturdays, Sundays, and emergency locates is \$70 per locate.~~

Per Mr. Miller, this was a new fee and we added a provision that to locate on off-hours, we would charge for all of the City's "call-out" expense. It was learned, after the ordinance was adopted, that such a practice is not allowed.

The Mayor summarized the changes and under the motion to reconsider, he called for a motion to proceed with the three amendments as stated. A motion was made by Councilwoman Landbeck and seconded by Councilwoman Young to accept the reconsideration amendments.

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

Ordinance No. 11-O-03 stands as adopted on March 28, 2011 except with three amendments reconsidered and passed on April 11, 2011 (the next business meeting.)

<p><i>Legend: BOLD-CAPITALIZATION denotes addition. STRIKETHROUGH denotes deletion.</i></p>

BUSINESS OF THE CITY:

1. Unfinished Business – None
2. New Business – None
3. Business from the Director of Planning & Community Development

Ms. Grover stated that the procedures regarding Aberdeen Technology Campus were followed correctly. Ms. Grover announced the schedule for the Planning Commission Meeting and the Heritage Trust lecture.

4. Business from the Chief of Police – None

5. Business from the Director of Finance

Mr. Jack reviewed the FY 2011 Budget Amendment handout and explained why we would need to amend the FY 2011 budgets.

The General Fund is being amended for a software grant from the State and a Federal grant from the Department of Justice for ballistic vests. Both grants are for the Police Department. The General Fund is also being amended by moving funds among various line items. However, we would need to appropriate fund balance (saved income from recycling activities) for the purchase of bike racks, planters, and trash cans for the parks and other points in the City.

The Sewer Fund is being amended by shifting funds between the ENR Grant and ENR Loan Proceeds line items. The Sewer Fund is also being amended for a State grant for feasibility study on the waste water collection system, and the ARRA (Stimulus) projects.

GENERAL FUND	AMOUNT	COMMENTS
1) Property Insurance (Government Buildings)	(\$29,094)	Transfer to APD and DPW
2) Property Insurance (Police)	19,794	Transfer from Government Buildings
3) Property Insurance (Public Works Administration)	9,300	Transfer from Government Buildings
4) General Fund Contingency (Miscellaneous)	(12,500)	Transfer to Finance and Debt Service
5) Audit Expense (Finance)	11,500	Transfer from General Fund Contingency
6) Interest Expense (Debt Service)	1,000	Transfer from General Fund Contingency
7) Materials for Campaign One Project	11,500	Funded with Sponsorships
8) Range/Ammo	1,059	Funded with proceeds from sale of old brass from Shooting Range
9) Software	16,000	Funded with State Grant
10) Ballistic Vests	4,978	Funded with Federal Grant
11) Bike Racks/Planters/Trash Cans	9,000	Funded with Appropriated Fund Balance
Total	\$42,536	
SEWER FUND		
1) Loan Proceeds – ENR	(\$2,997,502)	Transfer to State Grants
2) State Grants – ENR	2,997,502	Transfer from Loan Proceeds
3) ARRA (Stimulus) Projects	560,000	Funded with ARRA (Stimulus) Loan
4) Wastewater Collection System Feasibility Study	75,000	Funded with State Grant
Total	\$635,000	

Mr. Jack answered questions from the Council.

A motion was made by Councilman Garner and seconded by Councilwoman Young to approve the FY 2011 Budget Amendment.

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

6. Business from the Director of Public Works

Mr. Lapinsky reported that the ENR Upgrade is 35% complete and is on the time line. There will be an open house in May or early June.

7. Business from the City Manager – None

BUSINESS FROM THE COUNCIL:

1. Business from the City Council

The Council members reported on their meetings and announced various community activities. They encouraged everyone to attend Aberdeen's Earth Day Festival and for the promotion of Destination ImagiNation.

2. Business from the Mayor

Mayor Bennett reported on the current status of State Highway User Revenue which benefits all 157 Maryland municipalities. Last year, this revenue dropped from full funding of \$46,000,000 to \$1,600,000 from which Aberdeen received \$38,000. Just recently, as a result of the Maryland Municipal League public relations work, the Governor, Senate, and House allotted \$10,000,000. Aberdeen will receive \$191,040 for the coming fiscal year.

ANNOUNCEMENTS:

Next Council Work Session: Monday, April 18, 2011 at 4:00 p.m.

Next Council Meeting: Monday, April 25, 2011 at 7:00 p.m.

Earth Day: Aberdeen Festival Park, Saturday, April 16, 2011 11:00 a.m. – 4:00 p.m.

ADJOURNMENT:

A motion was made by Councilwoman Young and seconded by Councilwoman Elliott to adjourn the meeting. The motion carried and the meeting was adjourned at 8:18 p.m.