

**City of Aberdeen Council Meeting
July 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

Mayor Bennett called the meeting to order at 7:00 p.m. in the Council Chambers. The prayer was led by Pastor Merritt Schatz, Grove Presbyterian Church and the Pledge of Allegiance was led by Councilman Garner.

A motion was made by Councilman Garner and seconded by Councilwoman Elliott to approve the minutes of the June 13, 2011 meeting as submitted. **The motion carried with a vote of 5 - yes.**

The City Clerk read the Statement of Closed Session.

Statement of Closed Session:

On June 20, 2011, the Mayor and Council held a regularly scheduled meeting/work session in Council Chambers which began at 3:58 p.m. All members voted by roll call in the affirmative to close the session. At approximately 4:06 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 and Douglas Miller, City Manager.

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 annexation agreements for Aberdeen Technology Campus, LLC & Route 22 Properties and Chapel Estates/Hiob Lane. Mr. Stark also gave general advice on the conduct of meetings as it relates to the approval of plats and site plans.

No actions were taken during the session. The meeting was adjourned at 5:02 p.m.

PRESENTATIONS:

1. Maryland Municipal League Employee of the Year Award - Roger Hall

Mayor Bennett recognized Mr. Roger Hall, Maintenance Superintendant, Department of Public Works, for receiving the Roland B. Sweitzer Municipal Employee Award at the Maryland Municipal League Conference on June 27, 2011. The Mayor explained that every year, the Maryland City County Management Association recognizes only one outstanding employee from out of 157 Maryland municipalities. Mr. Miller submitted Mr. Hall's name for his 26 years of faithful service to the City which included high standards of professionalism, incredible technical knowledge, commitment to customer service, exemplary attitude, and outstanding performance over and above duty.

2. Harford County Government Department of Community Services FY2012 Action Plan

Ms. Patricia Hammond and Ms. Tiffany Robinson, Community Development Coordinators from Harford County Department of Community Services presented the FY2012 Action Plan Draft to the Mayor and Council. The plan is required annually by HUD and explains how the County is spending federal and County funds to benefit the community. This plan is a draft and available for viewing on the County website and at the libraries. The final plan goes to HUD on August 1. For FY2011, Aberdeen received \$108,300 in Community Development Block Grant funds (CDBG) which was used toward road paving projects. For FY2012, Aberdeen will receive a total allocation of \$115,324.00 (\$90,324 automatic allocation plus \$25,000 from Harford County). No projects have been chosen for these funds yet.

Council discussion followed.

PUBLIC HEARINGS: None

PUBLIC COMMENT: None

LEGISLATIVE SESSION: None

BUSINESS OF THE CITY:

1. Unfinished Business – None

2. New Business

a) Appointments – Board of Elections

The Mayor nominated Georgina Bantum, Mark Schlottman, and Mary Law, as Aberdeen Board of Election members for 2-year terms and install Ms. Bantum as Chairperson. The nomination was seconded by Councilwoman Young.

The nomination was carried with a vote of 5 – yes.

3. Business from the Director of Planning & Community Development

a) Preliminary Subdivision Plan for Royal Farms

Ms. Grover and Mr. Erick McWilliams, Bohler Engineering, supplied information regarding the property. The 1.97 acre property is located off of MD Route 7/Old Philadelphia Road adjacent to Newton Road. The plan was approved February, 2011 by the Planning Commission and is zoned B-3 for commercial use.

A motion was made by Councilwoman Landbeck and seconded by Councilman Garner to approve the Preliminary Subdivision Plan for Royal Farms.

The motion carried with a vote of 5 - yes.

b) Preliminary Site Plan for Royal Farms

Ms. Grover stated that the proposed site plan includes a convenience store, gas pumps, and car wash. The building size is about 5,800 square feet with access off of Old Philadelphia Road and Newton Road zoned B-3. The site plan was reviewed by the State Highway Administration multiple times and the entire site was part of Aberdeen Exchange. It is not within the City's Wellhead Protection area. The Planning Commission originally approved the plan but the approval expired during negotiations with property homeowners. April 2011, the Plan was disapproved by the Planning Commission.

Ms. Grover introduced Mr. Jay Young of Brown, Brown, and Young, legal counsel for Royal Farms; Mr. Jeff Bainbridge of Royal Farms, Mr. John G. Dzwonczyk, P.E., of JGD Associates, national expert consulting engineer on tank design, Mr. Eric McWilliams of Bohler Engineering, and Mr. Lawrence McNally, Bohler Engineering.

Mr. Young stated that this is a principal permitted use, there is zoning compliance, and is not located in Aberdeen's Wellhead Protection area. There was confusion due to Harford County drawing its Wellhead Protection line into Aberdeen's jurisdiction to which they do not have authority. The current property tax payment is \$14,000 and will increase to more than \$133,000 upon completion.

Mr. McWilliams then discussed the site plan pertaining the layout, building, proposed canopy, carwash, and access points.

Mr. John G. Dzwonczyk presented a PowerPoint concerning tank design, safety precautions, and design of the development. Protection measures would include: tripled-walled tanks, double-walled dispenser sumps, spill containment in tank delivery area, automatic shutdown upon sump sensor alarm, third party emergency monitoring, and an annual environmental review with Aberdeen public officials. Council questions and discussion followed.

Mr. Dzwonczyk agreed that a City employee could accompany the post construction walk-through, before its initial use, to check the system. A new Maryland law requires operator certification training starting July 1, 2011. By law, all spills must be reported. The standards and safeguards will be mutually agreed upon regarding alarm procedures with the City of Aberdeen. Councilwoman Young asked that a City employee receive the certification training.

Discussion also included upcoming legislation, the size of storage tanks, automatic shut-down system, impromptu inspections, reconciliation of fuel inventory, contaminating elements, the monitoring system, and whether there should be more than one (annual) environmental review with Aberdeen officials. Most states have a fund to which each fuel handling operator contributes for spill cleanups.

A motion was made by Councilwoman Young and seconded by Councilwoman Elliott to postpone the vote on this project until Councilwoman Young contacts Maryland Department of the Environment (MDE) within two weeks. The Mayor inquired about the information needed. The Councilwoman responded that she wanted to know what knowledge and experience MDE has with this technology.

Mr. Jay Young added that the State has jurisdiction regarding regulation, inspection, reporting, etc. and that, currently, it is the strictest in the nation. The Mayor received confirmation from the presenters that their standards will exceed those of MDE.

The vote was taken on the pending motion.

Ayes: Councilwoman Elliott, Councilwoman Young

Nays: Mayor Bennett, Councilman Garner, and Councilwoman Landbeck

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

Councilwoman Landbeck commented that she has reviewed Aberdeen's Development Code and Wellhead Protection Ordinance and finds this to be an acceptable plan which exceeds MDE standards. She values Planning Commission decisions and honors Harford County's wishes; however, the Council has an obligation to obey and enforce the City's ordinances as they stand. She recommended that, in the future, Aberdeen review its Wellhead Protection Ordinance, amend to accommodate the County's wishes, and use as the standard.

A motion was made by Councilwoman Landbeck and seconded by Councilman Garner to approve the Preliminary Site Plan for Royal Farms.

A motion was made by Councilwoman Young to amend the motion that approval be subject to the following conditions:

- Environmental reviews conducted at a frequency agreed upon by the City and Royal Farms.

- A traffic study shall be commissioned by the City for this area at the developer's expense.
- Any leaks, spills, etc. not covered by the State or the Collective are the responsibility of Royal Farms.

The Council discussed potential clean up responsibilities. Mr. Jay Young explained that the State has an entire body of law pertaining to this as well as civil remedies. He said that this has worked and recommends that the Council refrain from interference.

The Mayor asked for a second to the motion by Councilwoman Young. There was no second; the motion did not carry.

The Mayor called for the vote on the main motion.

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

Nays: Councilwoman Young

The motion passed with a vote of 4 – yes, 1- no to approved the Preliminary Site Plan for Royal Farms

4. Business from the Chief of Police - None
5. Business from the Director of Finance - None
6. Business from the Director of Public Works – None - Mr. Lapinsky not present.
7. Business from the City Manager

Mr. Miller stated that the City Attorney and he have been working on the amendment to Wellhead Protection Ordinance which will create a third zone (the County's Perryman Wellhead) and will be brought before the Council. There have been negotiations with two annexation petitioners to be discussed with Council at the next Work Session, followed by an Executive Session.

BUSINESS OF THE COUNCIL:

1. Business from the City Council

The Council discouraged everyone including State workers from mowing or throwing grass into streets ultimately causing storm drain problems and affecting costs. Citizens were reminded about Harford Cable Network public broadcasts. The following congratulations were extended: Ms. Karen Holt of the Chesapeake Science and Security Corridor for BRAC Development, named 2011 Winner of Maryland's Top 100 Women in the *Daily Record*; County Council member Mary Ann Lisanti, named Executive Director of Lower

Susquehanna Heritage Greenway and appointed Captain John Smith Chesapeake National Historic Trail Advisory Council by the Secretary of the Interior; Senator Jacobs named Legislator of the Year in Annapolis. Mr. Roger Hall was congratulated for his accomplishment.

2. Business from the Mayor

The Mayor, City Staff members, and Economic Development Chair, Steve Johnson, attended the Harford County Economic Outlook Conference. The Mayor also attended: Flag Day Ceremonies at Fairbrooke Senior Center; Harford County Elected Officials Meeting at the Bel Air Armory; community block party at Rock Glenn; and the Maryland Municipal League Conference. He recently convened a Citizen Committee to meet and discuss creating a positive image of Aberdeen and taking it outside the City. The "Home of Opportunity" branding is going well. The Mayor stated that Roger Hall's Award as MML Employee of the Year is phenomenal and the City is very proud.

He started his first full term as MML President and will make periodic reports to the citizens.

ANNOUNCEMENTS:

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

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

ADJOURNMENT:

A motion was made by Mayor Bennett and seconded by Councilwoman Elliott to adjourn the meeting. By unanimous agreement the meeting was adjourned at 8:43 p.m.