

**City of Aberdeen Council Meeting
March 28, 2011**

Present: Mayor Bennett, Councilwoman Elliott, Councilman Garner,
Councilwoman Landbeck, and Councilwoman Ruth Ann 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
Monica Correll, City Clerk
Doris Manner, Recording Secretary

Mayor Bennett called the meeting to order at 7:03 p.m. in the Council Chambers. The prayer was led by Pastor Ben Cordle, Bible Baptist Church and the Pledge of Allegiance was led by Councilwoman Landbeck.

A motion was made by Councilman Garner and seconded by Councilwoman Elliott to approve the minutes of the March 14, 2011 meeting as submitted.

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

Ms. Correll read the following Statement of Closed Session into the minutes:

“On March 21, 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 4:45 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; Phyllis Grover, Director of Planning and Community Development; Matthew Lapinsky, Director of Public Works; Henry Trabert, Chief of Police; 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. During this meeting the Mayor and Council discussed with the City Attorney and City Staff, the formulation of the annexation agreements (contracts) for Aberdeen Technology Campus, LLC & Route 22 Properties and Chapel Estates – Hiob Lane.

No actions were taken during the session.

The meeting was adjourned at 6:10 p.m."

PRESENTATIONS:

1. International Clerks Presentation – Monica Correll, City Clerk

Mayor Bennett announced that Ms. Correll received her designation as Certified Municipal Clerk through the International Institute of Municipal Clerks. The certification plaque was displayed.

PUBLIC HEARINGS:

1. Ordinance No. 11-O-03, Amendment to the Code, Chapter A550, Fees

Mayor Bennett read an e-mail from Ms. Karen Heavey of West Bel Air Avenue, Aberdeen, to serve as her public hearing comment due to her inability to attend. Ms. Heavey stated her concerns regarding Ordinance No. 11-O-03: water area connection charges/sanitary sewer area connection charges, and additional authority given to the City Manager.

Mr. Miller said Mr. Paul Muddiman, Morris & Ritchie Associates, Inc., Abingdon, faxed suggestions for changes to the wording of the ordinance.

Pastor Ben Cordle, Mitchell Avenue, Aberdeen;
Pastor Cordle commented on the proposed amendments to the fee ordinance and also the hotel tax.

PUBLIC COMMENT:

1. Pastor Cordle, Mitchell Avenue, Aberdeen;

Pastor Cordle stated that there are parking problems at the Amtrak train station.

LEGISLATIVE SESSION:

1. Ordinance No. 11-O-03, Amendment to the Code, Chapter A550, Fees (For Adoption)

Mr. Miller offered amendments for Council consideration and explained the amendment process. The Council proceeded with comments concerning the amendments.

Councilwoman Landbeck clarified that a fee is not a tax; fees are charges fixed by law for certain services or privileges and a tax is a charge imposed by government for public purposes, forced contributions to meet the public needs of the government. She added that the City Manager establishes and adjusts fees and does not levy taxes.

The Council gives him the right to run the day-to-day operation and the Mayor and Council oversee the "big picture".

Relative to water fees, Mr. Miller addressed methods to compute water generation, consumption, fees, and standards for non-residential sites. Mr. Miller explained computations covering a peaking factor pertaining only to commercial usage.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to adopt Ordinance No. 11-O-03, Amendment to the Code, Chapter A550, Fees.

- A motion was made by Councilwoman Landbeck and seconded by Councilwoman Young to amend Section A, (5)(a) page 2, line 7 and Section A, (7)(a) page 4, line 19, "per residential dwelling unit" to "per **EQUIVALENT** dwelling unit".

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

- A motion was made by Mayor Bennett and seconded by Councilwoman Landbeck to amend: Water Service Interruption, Section A (11)(c), page 6, line 14. Add: "...service made during non-business hours shall be \$95 **FOR RESIDENTIAL CUSTOMERS AND \$200 FOR NON-RESIDENTIAL CUSTOMERS.**"

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

- A motion was made by Councilman Garner and seconded by Councilwoman Landbeck to amend: Fence Permit, Section B(2), page 7, lines 9 and 10. Add: Residential: \$0.03 per square foot, minimum \$100. For fences and sheds: **\$25. FOR FENCES OVER 250 LINEAR FEET, ADD \$.04 PER LINEAR FOOT.**

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

- A motion was made by Councilman Garner and seconded by Councilwoman Landbeck to amend: Sign Permit (Temporary Sign), Section B(5), page 7, line 18. Add "**TEMPORARY \$40**".

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

- A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott and Councilwoman Young to amend: Private Fire Hydrants, Section B(5), page 8, lines 1 and 2, delete, "\$75 per hydrant ~~, repair cost plus 30% and material cost plus 10%.~~"

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

- A motion was made by Councilman Garner and seconded by Councilwoman Landbeck to amend Stop Work Order: Section (B)(7), page 8, line 10. Add: Stop Work Order: \$100, **\$150 FOR SECOND STOP WORK ORDER IF CORRECTIVE ACTION IS NOT TAKEN WITHIN THIRTY (30) DAYS OF FIRST STOP WORK ORDER, \$200 FOR THIRD AND EACH SUCCESSIVE STOP WORK ORDER IF CORRECTIVE ACTION IS NOT TAKEN ON FIRST STOP WORK ORDER.**

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

- A motion was made by Councilwoman Elliott and seconded by Councilman Garner to amend Annexation Fees: Section C (1), page 8, line 12. Add: “The City Clerk shall **COORDINATE AN ESTIMATE OF** the costs that the City shall incur to process...”

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

- A motion was made by Councilman Garner and seconded by Councilwoman Young to amend: Returned Check Fee, Section H, page 11, line 2, delete/add: Returned check fee: ~~\$25~~ **\$30** for each occurrence.

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

Councilwoman Elliott and Councilwoman Landbeck accepted the amendments made on the main motion and to approve Ordinance No. 11-O-03, Amendment to the Code, Chapter A550, Fees as Amended.

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

*Legend: **BOLD CAPITALIZATION** denotes addition.
~~**STRIKETHROUGH**~~ denotes deletion.*

BUSINESS OF THE CITY:

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

7. Business from the City Manager – None

BUSINESS OF THE COUNCIL:

1. Business from the City Council

The Council reported on their activities and meetings. The public was reminded of the upcoming Earth Day event held in Festival Park. Dr. Bonsack, Senator Jacobs, and all citizens were thanked for their efforts regarding the hotel tax which did not pass this year in Annapolis.

2. Business from the Mayor

Mayor Bennett read a letter dated March 23, 2011 from the President and CEO of Presbyterian Home of Maryland, Inc., Susan F. Shea, dated March 23, 2011, regarding the withdrawal of the Village at Carsins Run project from Aberdeen and their reasons.

In response, the Mayor pointed out the he and the Council had continuously expressed support of this project but not for the full property tax relief. In addition, this matter should not have been made part of the hotel tax issue. The amount of \$2.4 million dollars, for the water tower Presbyterian Home claimed they would have donated, would have been offset by a City Recoupment Policy. Also, according to a letter from the Department of Aging, Presbyterian Home's application indicated that assisted living, comprehensive nursing care from this facility would be limited in the future.

The entire Council added comments. Councilwoman Landbeck stated that Ms. Shea's letter was extremely maligning, holding the Mayor and Council personally responsible for the demise of Presbyterian Home with no mention of their money operation which forced them to ask for tax relief. There was no mention of the hijacked bill and the actions of the local delegates.

Councilman Garner noted that the City never turned down a meeting with Presbyterian Homes or their attorney and that the Council's actions were in the best interests of Aberdeen citizens.

Councilwoman Elliott concurred and added that Presbyterian Home also tried to have mandatory tax relief legislation quietly passed in Annapolis contrary to our wishes. This was averted with the help of Delegate Sheila Hixon.

Councilwoman Young expressed her disappointment that the hotel tax bill was hijacked and transformed into a combined bill including Presbyterian Home's needs. This ultimately obstructed Aberdeen's ability to ascertain a hotel tax.

Mayor Bennett added that another attempt to have the hotel tax added to a Bill as an amendment through Howard County was thwarted by one of our delegates.

Mayor Bennett announced that the Aberdeen Lions Club and Aberdeen Rotary were sponsoring a shredding day.

ANNOUNCEMENTS:

Next Council Meeting: Monday, April 11, 2011, at 7:00 p.m.

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

ADJOURNMENT:

A motion was made by Councilwoman Young and seconded by Councilwoman Elliott to adjourn the meeting at 8: 22 p.m. The motion passed unanimously.