

**City of Aberdeen
Council Meeting, Work Session, Closed Session
December 7, 2015**

Council Present: Mayor McGrady, Councilwoman Landbeck, Councilman Lindecamp,
and Councilman Taylor

Absent: None

Vacancy: One Seat

Also Present: Douglas Miller, City Manager
Phyllis Grover, Director of Planning and Community Development
Monica Correll, City Clerk
Doris Manner, Recording Secretary

COUNCIL MEETING:

Mayor McGrady called the meeting to order at 7:00 p.m. in the Council Chambers.

Public Comment:

1. Ms. Marla Posey-Moss, Avon Drive: Ms. Posey-Moss asked that the proper authorities be contacted to attend to icy walking conditions at the train station overpass.
2. Ms. Carol Bruce, Oak Street: Ms. Bruce asked that Harford County be contacted about available bus stop shelters in storage and to consider relocation of the post office.
3. Mr. John Landbeck, Jr., Cresmont Drive: Mr. Landbeck said a tragedy had been narrowly avoided regarding the shooting of an officer. Aberdeen shared some of the same problems as other larger jurisdictions.
4. Mr. Robert Hartman, Paradise Road: Mr. Hartman expressed his views and concerns regarding the homeless.
5. Mr. Sanford Fisher, Aberdeen Parks and Recreation: Mr. Fisher discussed the growth of the Parks and Recreation athletic programs and looked forward to working with the City.
6. Ms. Marla Posey-Moss, Avon Drive: Ms. Posey-Moss said that she will provide the Council with a list of highly used bus stops in Aberdeen.

Mayor McGrady made the following statement:

As many of you know, on Friday, December 4th, Aberdeen Police Officer Jason Easton responded to a call for service on Ohio Court in Aberdeen. A suspect fired a shotgun at Officer Easton and he was hit in the face by shot from that gun. Officer Easton was flown to Shock Trauma in Baltimore where he underwent surgery for his wounds.

I am pleased to say that Officer Easton is back home in Aberdeen with his family but his road to full recovery will be long.

We appreciate the outpouring of support for Officer Easton and the Aberdeen Police Department. We ask that you keep Jason and his family in your thoughts and prayers.

Matters of Immediate and Urgent Business:

Confer with Aberdeen Board of Elections Regarding the Tie Council Vote

Mr. Miller explained the chronology and process of analysis as performed by the City Attorney and the City Manager regarding a solution to the election tie between Candidates Sean DeBonis and Stephen Smith for the fourth Council seat. It was determined that the people of Aberdeen did not elect a person to the fourth Council seat; a vacancy on the Council exists; the process for a run-off was not provided for in the Charter; there was a provision to fill a vacancy in the Charter; it was paramount to eliminate potential dangers in long-term financing, bond financing, and ordinance enforcement. Therefore, it was their recommendation, that to properly seat the fourth Council seat, it was necessary to follow the provisions of the Charter, Section 5, Paragraph 17.

Charter, Section V, Paragraph 17. In the case of a vacancy in the office of Council member, that office shall be filled by the Mayor with the approval of the majority of the remaining members of the Council. The results of any such vote for vacancy in the office of City Council shall be recorded in the minutes or journal of the Council.

The Council discussed, Charter, Section V, Paragraph 3. “All Council members shall serve until their successors are duly elected and qualified.” Mr. Miller explained that the Charter also directs the terms of the Council. The City Attorney advised that since Aberdeen elects officials at-large and not by district, there were no rules as to which incumbent would remain in office.

The Aberdeen Board of Elections, Chairperson Gina Bantum and Mr. Mark Schlottman were present to explain the position of the entire Board, including absent member, Angela Johnson. The Board stated that: they were not in agreement with the recommendation of the City Attorney; properly seated meant the will of the people to duly elect; any other manner disenfranchised the voters; a second legal opinion was needed; a run-off election was the intuitive approach; the election must be timely; and the choice for the Council seat should be either Candidate DeBonis or Candidate Smith. Under the auspices of the Board, a run-off/tie election was an alternative for the Council to consider as indicated by the Code of the City, Section 36-8 B, “The Board of Elections shall promulgate rules and regulations regarding the conduct of elections not otherwise provided herein.” The Board cited that the Maryland Constitution and that the majority of other municipalities conduct run-off elections.

Council discussion followed regarding adherence to the Charter. The Board was asked to assist in future Charter amendments pertaining to elections.

Based upon the opinion of the City Attorney, the Mayor announced his intent to nominate Mr. Sean DeBonis at the December 21, 2015 Council Meeting and asked the Council to meet with Mr. DeBonis. Council discussion followed.

WORK SESSION:

1. Presentation on Moose Lodge: Members of Manns Woodward Studios presented the preliminary design work for the former Moose Lodge at 102 North Rogers Street and a facilities assessment for the Aberdeen Community Services Building at 34 North Philadelphia Boulevard. Council discussion followed.
2. Meeting Schedule: The Council Meeting schedule was to be reviewed by the Council.
3. Council Rules of Procedure: The Council Rules of Procedure was to be reviewed by the Council.
4. Amendment, Police Pension: Resolution No 15-R-10, Aberdeen Retirement Plan, Seventh Amendment was to be reviewed by the Council.
5. Revolving Loan Program: Ms. Grover explained that City started with \$171,000 fund money and a total of twenty loans were awarded; two loans were in repayment status. The State procedures had changed and the State requested the City to close its revolving loan program. The balance remaining was \$139,734.94 and the State offered to service the City's two outstanding loans. Ms. Grover stated that she applied for a State of Maryland grant for the acquisition and demolition of 21 North Philadelphia Boulevard and the State had agreed that the balance of \$139,734.94 could be used toward this acquisition for this purpose.
6. Other Business – None.

CLOSED SESSION STATUTORY AUTHORITY:

Mayor McGrady stated the following to close the meeting:

Statutory Authority Md. Code Annotated, General Provisions Article § 3-305(b): (8) To consult with staff, consultants, or other individuals about pending or potential litigation. The reason was to discuss potential litigation and the topic was an e-mail regarding litigation threat.

A motion was made by Mayor McGrady and seconded by Councilman Landbeck close the meeting. **The motion was passed with a vote of 4 – yes, 0 – no, 1 – vacant.**

Ayes: Mayor McGrady, Councilwoman Landbeck, Councilman Lindecamp,
and Councilman Taylor.

Nays: None.

Vacancy: One seat.

The Council proceeded into a closed session held in the second floor administrative conference room of City Hall at 8:44 p.m. The closed session ended at 9:13 p.m.

REOPEN AND ADJOURNMENT:

Mayor McGrady reopened the meeting at 9:17 p.m. The Council discussed the Council seat vacancy nomination matter.

A motion was made by Mayor McGrady and seconded by Councilman Lindecamp to adjourn the meeting.

Ayes: Mayor McGrady, Councilwoman Landbeck, Councilman Lindecamp,
and Councilman Taylor.

Nays: None.

Vacancy: One seat.

The motion carried and the meeting was adjourned at 9:21 p.m.