

**City of Aberdeen Council Meeting
October 10, 2011**

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

Absent: None

Also Present: Douglas Miller, City Manager
Phyllis Grover, Director of Planning & 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 Thomas Fender of the Church of Christ of Aberdeen and the Pledge of Allegiance was led by Councilwoman Elliott.

A motion was made by Councilwoman Landbeck and seconded by Councilman Garner to approve the minutes of the September 26, 2011, meeting as submitted.

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

PRESENTATIONS: None

PUBLIC HEARINGS: None

PUBLIC COMMENT:

1. Mr. Patrick McGrady, Holly Drive;
Mr. McGrady stated that he was running for mayor. Mayor Bennett informed him that there is no campaigning in Council Chambers during the meetings and warned him that he would be called out of order. Mr. McGrady continued to talk about why he was running and the Mayor called him out of order. Mr. McGrady said that his first amendment rights were violated.

LEGISLATIVE SESSION:

1. Resolution No. 11-R-11, Terms of Bond Sale (For Introduction and Adoption)
The Mayor introduced Resolution No. 11-R-11. Mr. Miller introduced Mr. Steve Winter, serving as Bond Council, for the refinancing of five loans for less than \$10,000,000. A previous ordinance was passed allowing the process and this resolution is specific to the execution of the bond sale and gives the Mayor executive authority for closing. The Council requested further clarification. Mr. Miller said the five loans for refinancing were: three for

Ripken Stadium, one for City Hall, and one for the Department of Public Works (DPW) Shop. He noted that CDA Loans can be refinanced every ten years. The City will refinance these five loans at a lower interest rate and save the City between \$400,000 and \$900,000 per year. This is not new debt and does increase the term of the loan.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve Resolution No. 11-R-11, Terms of Bond Sale.

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

2. Ordinance No. 11-O-02, Public Ethics Ordinance (For Adoption)

Mr. Miller said the State required the ethic changes to the Code; however, the Council was also in the process of updating and strengthening this part of the Code. Mr. Miller reviewed all of the amendments to be made to the introduced document.

Amendment #1 §43-2 B(1)

Page 1, line 13, deletion.

B. The Ethics Commission shall:

(1) **Devise**, Receive and maintain all forms required by this chapter;

Amendment #2 §43-3 H(1)(b)

Page 4, line 129, addition.

(b) **IS OF \$100 OR MORE, OR IS** of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee;

Amendment #3 §43-3 H(1)(c)

Page 4, line 132, addition.

(c) **IS OF \$100 OR MORE, OR IS** of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of the official or employee.

Amendment #4 §43-4 A(2)(a)

Page 5, lines 193-194, deletion and addition.

(a) On a form **provided by the Ethics Commission WHICH IS PART OF THIS CHAPTER;**

Amendment #5 §43-4 A(3)(a)

Page 6, line 199, deletion and addition.

(a) An incumbent local elected official shall file a financial disclosure statement annually no later than **April 30 JANUARY 31** of each year for the preceding calendar year.

Amendment #6 §43-5 C

Page 7, line 244, deletion and addition.

C. On or before **April 30 JANUARY 31** of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the

City, including the name of the donor of the gift and the approximate retail value at the time or receipt.

Amendments #7 and #8 As Attachments

Codify the attached forms: Ethics Disclosure Form and Lobbying Registration Statement. (Attachments A and B.)

Vote on Amendments

A motion was made by Councilwoman Young and seconded by Councilwoman Elliott and Councilman Garner simultaneously to approve all eight (8) amendments to Ordinance No. 11-O-02, Public Ethics Chapter 43, Code of the City of Aberdeen.

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

Vote on Amended Ordinance

A motion was made by Councilwoman Elliott and seconded by Councilwoman Young to approve Ordinance No. 11-O-02, Public Ethics Ordinance Chapter 43, Code of the City of Aberdeen as amended.

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

BUSINESS OF THE CITY:

1. Unfinished Business – None

2. New Business

A. Committee Appointments

Mayor Bennett recommended the appointment of Dan Augustyniak and Kristine Augustyniak to the Heritage Trust Committee.

A motion was made by Mayor Bennett and seconded by Councilwoman Landbeck to appoint Mr. and Mrs. Augustyniak to the Heritage Trust Committee.

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

3. Business from the Director of Planning & Community Development

A. Preliminary Site Plan, Northgate Business Park, Lot B

Ms. Grover stated that this parcel is located off Rt. 22 and Research Boulevard. The preliminary site plan was recommended for approval by the Planning Commission and the Architectural Review Committee. Three representatives were present: Mr. Lou Schaffer, Frederick Ward Associates, Project Manager; Mr. Max Ryan, COPT Aberdeen, LLC; and Mr. Paul Thompson, Architectural Design Works, architect for the project.

Mr. Schaffer stated that this will be the retail portion of Northgate Business Park and is zoned B-3. The property will be used for the construction of three retail buildings in phases. The requirement is for 75 parking spaces and 95 are provided, the open space requirement is 15% and 41% is being provided. A landscape plan has been submitted and the conservation plan has been approved. Water demand has not yet been determined. Mr. Thompson described the design, signage, and outdoor dining areas.

Councilwoman Young inquired if this would be a green building. Mr. Thompson said there was currently no LEED certification for this type of building. Mr. Ryan stated that his organization encourages tenants to follow LEED standards.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the Preliminary Site Plan for Northgate Business Park, Lot B.

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

4. Business from the Chief of Police

A. Budget Amendment

Chief Trabert requested a budget amendment to approve the transfer of \$28,101.59 from the seized money account to the Aberdeen Police Department General Budget. This would be for the replacement and update of software and hardware for the Police Department that is used for surveillance and security for the Police Department itself, the holding cell area, and several locations in City Hall.

Councilman Garner asked if Festival Park was included in this request to which the Chief said it would help toward the implementation of doing so in the future.

A motion was made by Councilwoman Young and seconded by Councilwoman Elliott to approve the Budget Amendment to transfer \$28,101.59 from the Seized Account to the Police General Budget to replace software and hardware being used by the Police Department and use in City Hall.

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

5. Business from the Director of Finance

Mr. Jack stated that auditors are working on the 2011 City finances and should finish in a few weeks.

6. Business from the Director of Public Works

Mr. Lapinsky reported on the department's work and an event sponsored by Local Government Insurance Fund to improve driving abilities of City employees. The Edmund Street Booster Station is planned to be completed by the middle of November. They recently experienced thirteen water main breaks. The Mayor said that he and the Council are committed to improving the infrastructure needs of the City.

7. Business from the City Manager – None

BUSINESS OF THE CITY COUNCIL:

The Council members reported on upcoming community events, their activities and meetings attended. They will be attending the upcoming Aberdeen Station Area Master Plan Meeting.

BUSINESS FROM THE MAYOR:

Mayor Bennett reported on the following events: meeting with Mr. Michael O'Brien, Aberdeen High School Principal; Beyond BRAC Conference in Edgewood; a Maryland Municipal League (MML) Communications Committee meeting in Annapolis; and meetings with three bond rating agencies for two days to give presentations. City staff participated in the presentations and he anticipated a favorable outcome.

The Mayor also attended a fund raiser for the Boys & Girls Club; presented a proclamation at an Eagle Scout ceremony for Sean Patrick Klein; attended a Local Government Insurance Trust meeting; attended the Maryland Municipal Clerks Association 35th Anniversary Dinner on Kent Island; and the 4th Annual Crop Walk.

The Mayor flew to Augusta, Georgia and spoke to the Augusta Rotary Club about the relationship between the City of Aberdeen and Ripken Baseball. The Mayor stated that there were no City funds used at any time during the trip and the plane fare was provided by Ripken Baseball. It was not scripted and he answered questions. The Mayor of Augusta, Georgia was at the luncheon provided.

Mayor Bennett reported that the City participated in a nationwide lawsuit on MTBE (gasoline additive) leaks. The City of Aberdeen will agree to the terms of the settlement through a resolution and the anticipated net settlement amount will be about \$2,500,000 to be received by the end of the fiscal year.

The Mayor encouraged everyone to attend the meeting about the Aberdeen Station Area Master Plan.

ANNOUNCEMENTS:

Next Council Work Session: Monday, October 17, 2011 at 4:00 p.m.

Next Council Meeting: Monday, October 24, 2011 at 7:00 p.m.

ADJOURNMENT:

A motion was made by Councilman Garner with unanimous agreement to adjourn the meeting at 8:07 p.m.

Attachment A
City of Aberdeen
Ethics Disclosure Form

Pursuant to the requirements outlined in Chapter 43 of the Code of the City of Aberdeen, all elected officials, certain appointed officials, members of the Aberdeen Planning Commission, members of the Aberdeen Board of Appeals, and members of the Aberdeen Board of Elections must provide certain information and make certain disclosures as outlined in the chapter. Please complete the appropriate questionnaire below.

Person Filing

Name: _____

Position with the City of Aberdeen: _____

Calendar Year of this Report: _____

Section A. Definitions

1. *Qualified relative*: means the spouse, parent, child or sibling of the designated official filing this report filing this report.
2. *Designated official*: All City of Aberdeen officials that are subject to regulation and disclosure under Chapter 43 to include the Mayor, City Council members, all members of the Planning Commission, all members of the Board of Appeals, all members of the Board of Elections, City Manager, City Clerk, Director of Public Works, Chief of Police, City Treasurer, Director of Planning and Community Development, City Attorney.

Section B. Designated Official Disclosure Questionnaire

A designated official must disclose conflicts of interest. Have you in the past year:

1. Participated in any City matter which you or a qualified relative had a financial interest?
____ Yes
____ No
(If yes, explain)
2. Participated in any City matter in which any of the following is a party: (1) a business entity which you had a financial interest; (2) a business entity in which you or a qualified relative is an officer, director, trustee, partner or employee; (3) a business entity which you or a qualified relative is negotiating or has any arrangement concerning prospective employment; (4) a contract that reasonably could be expected to result in a conflict between your private interests and your interests as an elected official; (5) a business entity that is a party to an existing contract with the City; (6) an entity doing business with the City which you have direct financial interest; (7) a business entity that you or a qualified relative is a creditor or obligee?
____ Yes
____ No

(If yes, explain)

Section C. Solicitation and Acceptance of Gifts Questionnaire

A designated official may not solicit certain gifts. Have you in the past year:

1. Solicited a gift that would: (1) tend to impair your partiality or judgment; (2) be of significant value that might give the appearance of impairing your impartiality and independence of judgment?
☐ Yes
☐ No
(If yes, explain.)
2. Solicited or facilitated the solicitation of a gift from a lobbyist?
☐ Yes
☐ No
(If yes, explain.)
3. Accepted a gift, directly or indirectly from a person who is: (1) doing business or is seeking to do business with the City; (2) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of you in your official position with the City; (3) is engaged in an activity that is regulated or controlled by you; (4) is a lobbyist for someone engaged in any matter with the City?
☐ Yes
☐ No
(If yes, explain.)

(In answering questions in Section C, please refer to Section 43-3H(4) to see what gifts you are allowed to accept. Those gifts need not be disclosed.)

Section D. Additional Disclosure

If the designated official has anything additional to disclose, please provide below.

Oath

I, _____, do hereby affirm that the statements made on this disclosure are complete and truthful to the best of my knowledge.

Signature

Date

Attachment B
City of Aberdeen
Lobbying Registration Statement

Pursuant to the requirements outlined in Chapter 43, Section 6 of the Code of the City of Aberdeen, all persons who engage in lobbying activity as described in the chapter must file a Registration Statement of such activity. For those who have engaged in lobbying as described in this chapter, please complete the questionnaire below.

Section A. Requirement to Register

Anyone who engaged in the activities listed below during the calendar year in question must complete this Registration Statement:

1. Has personally appeared before a City official or employee with the intent to influence that person in the performance of the official duties of the official or employee, and
2. Has expended or intends to expend in excess of \$100 (one hundred dollars) on food, entertainment or other gifts for officials or employees of the City.

Person (Registrant) Filing

Name: _____

Address: _____

Firm or Company: _____

Calendar Year of this Statement: _____

Section B. Information to Be Registered

1. Name of Registrant: _____
2. Other persons on whose behalf the registrant acts:
3. Subject matter on which the registrant proposes to make appearances before the City official or employee and engage in the activity as specified in Section A of this Statement.
4. The value, date and nature of any food, entertainment or other gift provided to a City official or employee.
5. The gift or series of gifts to a single official or employee that exceeds \$100 (one hundred dollars) in value provided by the Registrant and the name(s) of the official or employee that received the gift(s).

Oath

I, _____, do by affirm that the statements made on this
Registration Statement are complete and truthful to the best of my knowledge.

Signature

Date

Section A of this Statement must be filed with the Aberdeen Ethics Commission before the commencement of lobbying activity by the Registrant. Sections A and B of this Statement must be filed with the Ethics Commission by January 30 following the calendar year for which the lobbying activity took place.