

**City of Aberdeen Council Meeting
February 28, 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
Chief Henry Trabert, Aberdeen Police Department
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 Mike Karmann, First Baptist Church of Aberdeen and the Pledge of Allegiance was led by Councilman Garner.

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

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

PRESENTATIONS: None

PUBLIC HEARINGS: None

PUBLIC COMMENT:

1. Pastor Ben Cordle, Bible Baptist Church;
Pastor Cordle disapproved of Ordinance No. 11-O-01 regarding fortune-telling but understands the reasons why it was passed and thanked the Council for the restrictions.
2. Elder James Zachary, Breath of God Christian Fellowship;
Elder Zachary would like the Council decision on fortune-telling rescinded because he feels rejection of it would not be a violation of First Amendment rights, it is the will of the people, and there are no positive benefits from this business. He submitted a petition of signatures from approximately 300 people.
3. Mr. Craig Gentile, Edmund Street;
Mr. Gentile commended the Mayor and Council. He said that Delegate James has failed to respond to his messages and believes that the hotel tax is a separate issue having nothing to do with Presbyterian Home.

4. Mr. Melvin Taylor, Graceford Drive;
Mr. Taylor disapproves of the fortune-telling business and asked for reconsideration.
5. Pastor Ken Telsee, Carey Court;
Pastor Telsee disapproved of the fortune-telling decision; it is an unwelcomed business within the City limits with the potential of drawing other undesirable elements.
6. Mr. Pat Faircloth, Southgate Road;
Mr. Faircloth thanked the Council for standing up to the State officials. He is in favor of the hotel tax; he is unhappy with the actions and decisions of Delegate James and Delegate Impallaria; he disapproves an independent living unit tax break for Presbyterian Home.
7. Mr. Norbert DiGiacomo, Ferndale Road;
Mr. DiGiacomo expressed disfavor for tax relief to commercial organizations. He thanked the Mayor and Council for protecting Aberdeen citizens and is dissatisfied with the Harford County Delegates.
8. Mr. Don Curry, S. Rogers Street;
Mr. Curry supported the Royal Farms project and thanked the Council for their support. He liked the "Home of Opportunity" slogan and wanted it to be implemented.

LEGISLATIVE SESSION:

Mr. Miller reviewed the annexation process: (1) the annexation plan (concerning municipal and counties services and the payment of services); (2) the charter amendment resolution (the main component); and, (3) the annexation plan (contractual arrangement). Both annexation plans have been completed. After introduction of the charter amendment resolutions, there will be newspaper advertisements for the public hearings which are currently scheduled for April 11, 2011. The City then has the option of annexation agreements. A work session will be held followed by an execution session for further discussion with the City Attorney on the annexation agreements (contracts).

1. Charter Amendment Resolution No. 11-CR-01, Chapel Estates/Hiob Lane (For Introduction)

Mayor Bennett introduced Charter Amendment Resolution No. 11-CR-01, Chapel Estates/Hiob Lane.

2. Charter Amendment Resolution No. 11-CR-02, Aberdeen Technology Campus, LLC (Lee Annexation) (For Introduction)

Mayor Bennett introduced Charter Amendment Resolution No. 11-CR-02, Aberdeen Technology Campus, LLC (Lee Annexation).

BUSINESS OF THE CITY:

1. Unfinished Business – None

2. New Business

A. Financial Disclosures 2010

Mayor Bennett reported that all of the required 2010 financial disclosure forms for officials, committees, commissions, and staff have been submitted, reviewed, and approved by the Ethics Commission.

3. Business from the Director of Planning & Community Development

A. Revised Preliminary Site Plan for Aberdeen Corporate Park

Ms. Grover stated that this site is off McHenry and Middleton Roads near the Target Store. The request was recommended for approval by the Planning Commission February 16, 2011. The revisions being submitted include changing the size of buildings and adding a courtyard.

Ms. Amy DiPietro with Morris, Ritchie Associates is the engineer in charge of the project. She said the revisions include changes to the two pad sites on Rt. 22. Merritt Athletic Club is committed to one site and will be open to the public

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the Revised Preliminary Site Plan for Aberdeen Corporate Park

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

B. Revised Preliminary Subdivision Plan for Aberdeen Exchange

Ms. Grover said this property is on the corner of Rt. 715, Old Philadelphia Road and Newton Road. The proposal is for four commercial lots and the addition of non-tidal wetlands. The State Highway Administration (SHA) is working on plans for road improvements. She also noted that the addition of two notes has been requested.

Mr. Jerry Powell with Fred Ward Associates stated that this request was introduced March 2008 and revised as requested August 2008. SHA has acquired additional land for road improvements. A letter of intent has been obtained from the Maryland Department of the Environment (MDE) regarding the reduction of wetlands. The parcel has been reduced from 8.5 acres to 7.26 acres. One lot will be for stormwater management and open space. Comments from the City engineer have been addressed.

Councilwoman Young asked if the Newton Road issue has received the approval of property owners. Mr. Powell stated that the right of way is public and not fee simple and is owned by the City. No approval has yet been given. Councilwoman Young noted that Lot 1 is designated for retail, service usage and that she will not support a gas station.

Mr. Miller informed the Council that tonight's action is for subdivision only and not a plan for proposed usage. Councilwoman Landbeck added that the Planning Commission has reviewed these issues and recommended approval of this request.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the Revised Preliminary Subdivision Plan for Aberdeen Exchange.

The motion was passed with a vote of 4 – yes; 0 – no; 1 abstention.

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

Nays: None

Abstain: Councilwoman Young

- C. Final Subdivision Plat for Land of Harford Habitat for Humanity, Inc. at Baltimore Street Extended.

Ms. Grover stated that this Final Subdivision Plat at Baltimore Street is a two lot subdivision. There will be 2 lots zoned R-2 for two family dwellings. The Planning Commission recommended approval December 2010.

Mr. Scott Dallas with J. S. Dallas, Inc. said all changes required by the Planning Commission have been made.

A motion was made by Councilwoman Elliott and seconded by Councilman Garner to approve the Final Subdivision Plat for Land of Harford Habitat for Humanity, Inc. at Baltimore Street Extended.

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

Ms. Grover asked residents to attend a Public Hearing Draft on the 2011 Comprehensive Plan on March 9.

4. Business from the Chief of Police – None
5. Business from the Director of Finance – None
6. Business from the Director of Public Works

- A. Bid Award – APG WWTP Upgrade

Mr. Lapinsky stated that this project was funded by Aberdeen Proving Ground (APG). A 20-year extension study was done and capacity limitations were found. The facility will be increased from 1.1 million gallons per day to 1.7 million gallons per day. He

recommended Howard Robson, Inc. 891 Stony Batter Road, Landisville, PA 17538 who bid \$10,524,263.00.

Councilman Garner asked if the City has dealt with this firm before. Mr. Lapinsky said it has not but all information has been reviewed including bonding and found to be satisfactory.

Councilwoman Young asked the location of the nearest project they have worked on. Mr. Lapinsky will contact the engineer for a site.

A motion was made by Councilwoman Landbeck and seconded by Councilwoman Elliott to approve the Bid Award – APG WWTP Upgrade by Howard Robson, Inc., in the amount of \$10,524,263.00.

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

Mr. Lapinsky reported that the Enhanced Nutrient Removal (ENR) Update has been delayed due to the weather. Some concrete will be poured this week and he will have pictures for the next meeting. All details of the financing for this project are on the City website.

7. Business from the City Manager – None

BUSINESS OF THE COUNCIL:

1. Business from the City Council:

The Council members thanked everyone for their input on the current matters and comments on fortune-telling, tax forgiveness, and the hotel tax. The Council expressed concern that the public needs to be informed in a timely and effective manner about public matters. The meetings are televised via Comcast and FiOS.

Halls Crossroads Elementary School was congratulated for being one of five schools in the State named Maryland School in Excellence in Gifted and Talented Education. The Aberdeen High School Girls Basketball Team was reported having a successful season. Cindy Sharretts was thanked for her legal information regarding HB 584. Additional economic and fiscal information was reported relative to the independent living units based on a report from the Sage Policy Group (an economic and policy consulting firm). A recent article printed in the Baltimore Business Journal stated that the Realtor Association supports the 5% hotel tax but not the portion of HB 584 granting tax relief to Presbyterian Home.

2. Business from the Mayor

Mayor Bennett stated that the Council favors the Presbyterian Home project but not tax forgiveness for the independent living units. HB 584 was not supported by the Council and he encouraged citizens to contact their State representatives. The Mayor has attended various

meetings in his capacity as the President-Elect of the Maryland Municipal League and as Mayor and discussed the 90% cuts by the State in highway user funds. He thanked everyone for their support and work regarding the hotel tax and if Aberdeen does not get a hotel tax this year, the work will carry forth toward next year. Regarding the fortune-telling ordinance, the Mayor said that he and the Council share everyone's concerns but was compelled to uphold the Law.

ANNOUNCEMENTS:

Next Council Meeting: Monday, March 14, 2011 at 7:00 p.m.

Next Council Work Session: Monday, March 21, 2011 at 4:00 p.m.

ADJOURNMENT:

A motion was made by Councilwoman Young, seconded by Councilman Garner to adjourn the meeting at 8:44 p.m. The motion was passed unanimously.